

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021**

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HOUSE BILL 1004

Short Title: Troutman Charter Revised & Consolidated. (Local)

Sponsors: Representative McNeely.

For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Local Government, if favorable, Finance, if favorable, Rules, Calendar, and Operations of the House

May 23, 2022

A BILL TO BE ENTITLED

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

The General Assembly of North Carolina enacts:

SECTION 1. The Charter of the Town of Troutman is hereby revised and consolidated to read as follows:

"THE CHARTER OF THE TOWN OF TROUTMAN.

"ARTICLE I.

"Incorporation and Corporate Powers.

"Sec. 1.1. Incorporation and general powers. The Town of Troutman shall continue to be a body politic and corporate under the name of the 'Town of Troutman', and shall continue to be vested with all property and rights which now belong to the Town; shall have perpetual succession; may have a common seal and alter and renew the same at pleasure; may sue and be sued; may contract, may acquire and hold all such property, real and personal, as may be devised, bequeathed, sold or in any manner conveyed or dedicated to it, or otherwise acquired by it, and may from time to time hold or invest, sell, or dispose of the same; and shall have and may exercise in conformity with this Charter all municipal powers, functions, rights, privileges, and immunities of every name and nature.

"Sec. 1.2. Powers. The Town of Troutman shall have and may exercise all of the powers, duties, rights, privileges and immunities, which are now or hereafter may be conferred, either expressly or by implication, upon the Town of Troutman specifically or upon municipal corporations generally, by this Charter, by the State Constitution, or by general or special statute. Provided further that the Town of Troutman shall be authorized to participate in all federal programs not contrary to the Constitution of the State of North Carolina and not explicitly denied to municipalities by the general statutes.

"ARTICLE II.

"Corporate Boundaries.

"Sec. 2.1. The corporate limits of the Town of Troutman shall be those existing at the time of ratification of this Charter, as set forth on the official map of the Town and as such limits may be altered from time to time in accordance with law. An official map of the Town, showing the current municipal boundaries, shall be maintained permanently in the office of the Town Clerk and shall be available for public inspection. Upon alteration of the corporate limits pursuant to law, the appropriate changes to the official map shall be made, and copies shall be filed in the



1 office of the Secretary of State, the Iredell County Register of Deeds, and the Iredell County
2 Board of Elections.

3 "ARTICLE III.

4 "Mayor and Town Council.

5 "Sec. 3.1. Composition of Town Council. The Town Council shall consist of five members
6 to be elected by the qualified voters of the Town voting at large in the manner provided in Article
7 IV of this Charter.

8 "Sec. 3.2. Mayor. The Mayor shall be elected by and from the qualified voters of the Town
9 voting at large in the manner provided in Article IV of this Charter. The Mayor shall be the
10 official head of the Town government and shall preside at all meetings of the Town Council.
11 When there is an equal division on a question, the Mayor shall resolve the deadlock by his or her
12 vote, but he or she shall vote in no other case. The Mayor shall exercise such powers and perform
13 such duties as are or may be conferred upon him or her by the general laws of North Carolina,
14 by this Charter, and by the ordinances of the Town.

15 "Sec. 3.3. Mayor Pro Tempore. The Town Council shall choose one of its number to act as
16 Mayor Pro Tempore, and he or she shall perform the duties of the Mayor in the Mayor's absence
17 or disability. The Mayor Pro Tempore as such shall have no fixed term of office, but shall serve
18 in such capacity at the pleasure of the remaining members of the Council.

19 "Sec. 3.4. Terms; qualifications; vacancies. (a) The Mayor and members of the Town Council
20 shall serve for terms of four years, beginning the day and hour of the organizational meeting
21 following their election, as established by ordinance in accordance with this Charter; provided,
22 they shall serve until their successors are elected and qualify.

23 (b) No person shall be eligible to be a candidate or be elected as Mayor or as a member
24 of the Town Council or to serve in such capacity unless he is a resident and a qualified voter of
25 the Town.

26 (c) In the event a vacancy occurs in the office of Mayor or Council, the Town Council
27 shall appoint a qualified person to fill the vacancy as provided in G.S. 160A-63.

28 "Sec. 3.5. Organization of Town Council; oaths of office. The Town Council shall meet and
29 organize for the transaction of business at the first regularly scheduled meeting of the Town
30 Council following each biennial election. Before entering upon their offices, the Mayor and each
31 Council member shall take and subscribe to the following oath of office:

32 'I, _____, do solemnly swear (or affirm) that I will support and
33 maintain the Constitution and laws of the United States, and the Constitution and Laws of North
34 Carolina not inconsistent therewith, and that I will faithfully discharge the duties of my office as
35 _____, so help me, God.'

36 "Sec. 3.6. Meetings of Council. The Town Council shall fix a suitable time and place for its
37 regular meetings, which shall be held at least as often as once monthly. Special meetings may be
38 held according to the procedures and requirements designated by the general laws of North
39 Carolina pertaining to special meetings of city councils.

40 "Sec. 3.7. Quorum: votes. (a) A majority of the members elected to the Town Council shall
41 constitute a quorum for the conduct of business, but a less number may adjourn from time to time
42 and compel the attendance of absent members in such manner as may be prescribed by ordinance.

43 (b) The affirmative vote of a majority of the members elected to the Town Council, not
44 excused from voting on the question in issue, shall be necessary to adopt any ordinance or any
45 resolution or motion.

46 "Sec. 3.8. Ordinances and resolutions. The adoption, amendment, repeal, pleading, or proving
47 of ordinances shall be in accordance with the applicable provisions of the general laws of North
48 Carolina not inconsistent with this Charter. The ayes and noes shall be taken upon all ordinances
49 and resolutions and entered upon the minutes of the Town Council. The enacting clause of all
50 ordinances shall be: 'Be it ordained by the Town Council of the Town of Troutman'. All
51 ordinances and resolutions shall take effect upon adoption unless otherwise provided therein.

"ARTICLE IV.

"Elections.

"Chapter 1. Municipal Elections.

"Sec. 4.1. Regular municipal elections. Regular municipal elections shall be held biennially in odd-numbered years on the day set by general law for municipal elections. The candidate for Mayor who receives the largest number of votes cast for Mayor shall be declared elected for a term of four years. In the regular municipal election in 2023, and quadrennially thereafter, three Council members shall be elected to serve four-year terms in those positions whose terms are then expiring. In the regular municipal election in 2025, and quadrennially thereafter, two Council members shall be elected to serve four-year terms in those positions whose terms are then expiring.

"Sec. 4.2. Regulation of elections. All Town elections shall be conducted in accordance with the general laws of North Carolina relating to municipal elections.

"Chapter 2. Recall of Elected Officials.

"Sec. 4.5. Removal of officeholders. The holder of any elective office serving in the municipal government of the Town may be removed at any time by the electors qualified to vote for a successor of such incumbent.

"Sec. 4.6. Procedure. (a) A petition signed by electors entitled to vote for a successor to the incumbent sought to be removed, equal in number to at least twenty-five percentum (25%) of the registered and qualified voters of the Town, demanding an election of a successor of the person sought to be removed, shall be filed with the Town Clerk. The petition shall contain a general statement of the ground for which the removal is sought. The signatures to the petition need not all be appended to one paper, but each signer shall add to his or her signature his or her place of residence, giving the street and number. One of the signers of each such paper shall make oath before an officer competent to administer oaths that the statements therein made are true, as he believes, and that each signature to the paper appended is the genuine signature of the person whose name it purports to be.

(b) Within 10 days from the date of filing of such petition, the Town Clerk shall examine and from the voters' register ascertain whether or not the petition is signed by the requisite number of qualified electors, and he or she shall attach to the petition his or her certificate, showing the results of such examination. If by the Clerk's certificate it is shown to be insufficient, it may be amended within 10 days from the date of the certificate. The Clerk shall, within 10 days after such amendment, make a like examination of the amended petition, and if his or her certificate shall show the same to be insufficient, it shall be returned to the person filing the same, without prejudice, however, to the filing of a new petition to the same effect. If the petition shall be deemed to be sufficient, the Clerk shall submit the same to the Town Council without delay.

(c) If the petition shall be found to be sufficient, the Town Council shall order and fix a date for holding a primary election in accordance with the general laws governing special elections. If, in the primary election, any candidate receives a majority of all votes cast, he or she shall be declared to be elected to fill out the remainder of the term of the officer who is sought to be recalled. If there be more than two candidates in such primary and no one receives a majority of all the votes cast therein, then the Town Council shall call another election, to be held in accordance with the general laws governing special elections, at which election the two candidates receiving the highest vote in the primary shall be voted upon. Insofar as possible, the laws, rules, and procedures governing the conduct of regular municipal elections shall apply to any election called pursuant to this section.

"Sec. 4.7. Successor in office. The successor of any officer so removed shall hold office during the unexpired term of his or her predecessor. Any person sought to be removed may be a candidate to succeed himself or herself, and unless he or she requests otherwise in writing, the Clerk shall place his or her name on the official ballot without nomination. At such election, if some person other than the incumbent is elected, the incumbent shall thereupon be deemed

1 removed from the office upon qualification of his or her successor. If the incumbent received a
2 majority of the votes in the primary election, he or she shall continue in office.

3 "Sec. 4.8. Failure to qualify. In case the person elected should fail to qualify within 10 days
4 after receiving notification of election, the office shall be deemed vacant. In that event, the
5 unexpired term shall be filled by appointment by the Town Council, but the person removed shall
6 not be eligible for appointment. The person so appointed by the Town Council shall be subject
7 to recall as other members of the Town Council.

8 "Sec. 4.9. Right of recall continued. The method of removal authorized by this Chapter shall
9 be cumulative and additional to any other method provided by law. In the event any officer is
10 recalled and any person is elected as his or her successor, the right of recall of such successor so
11 elected shall be as in the case of an officer originally elected.

12 "ARTICLE V.

13 "Organization and Administration.

14 "Chapter 1. Town Manager.

15 "Sec. 5.1. Council-manager form of government. The Town shall operate under the
16 council-manager form of government in accordance with Part 2 of Article 7 of Chapter 160A of
17 the General Statutes.

18 "Sec. 5.2. Town Manager. The Town Council shall appoint a Town Manager, who shall be
19 the administrative head of Town government and shall be responsible for the administration of
20 all departments of Town government. The Town Manager shall be appointed with regard to his
21 or her executive and administrative abilities and does not have to be a resident of the Town when
22 appointed but shall, during his or her tenure as Town Manager, reside within the corporate limits
23 of the Town. The Town Manager shall hold office at the pleasure of the Town Council and shall
24 receive the compensation established by the Town Council from time to time. The Town
25 Manager shall have all the powers and duties conferred by general law, except as expressly
26 limited by the provisions of this Charter, and shall have the additional powers and duties
27 conferred by the Town Council as authorized by general or local law.

28 "Chapter 2. Town Attorney.

29 "Sec. 5.5. Appointment, qualifications, term, and compensation. The Town Council shall
30 appoint a Town Attorney who shall be an attorney at law licensed to engage in the practice of
31 law in North Carolina and who need not be a resident of the Town during his tenure. The Town
32 Attorney shall serve at the pleasure of the Town Council and shall receive such compensation as
33 the Town Council shall determine. The Town Council may also employ such other attorneys as
34 it deems advisable in order to provide legal advice and assistance to the Town.

35 "Sec. 5.6. Duties of Town Attorney. It shall be the duty of the Town Attorney to prosecute
36 and defend suits for and against the Town; to advise the Mayor, Town Council, and other Town
37 officials with respect to the affairs of the Town; to draft all legal documents relating to the affairs
38 of the Town; to draft proposed ordinances when requested to do so; to inspect and pass upon all
39 agreements, contracts, franchises, and other instruments with which the Town may be concerned;
40 to attend all meetings of the Town Council when required by the Town Council; and to perform
41 such other duties as may be required of him or her by virtue of his or her position as Town
42 Attorney.

43 "ARTICLE VI.

44 "Other Administrative Offices and Employees.

45 "Sec. 6.1. Town Clerk and Deputy Town Clerk. The Town Manager shall appoint a Town
46 Clerk and may appoint a Deputy Town Clerk to keep a journal of the proceedings of the Town
47 Council, to maintain in a safe place all records and documents pertaining to the affairs of the
48 Town, and to perform such other duties as may be required by law or as the Town Council may
49 direct.

50 "Sec. 6.2. Tax Collector. The Town Manager shall appoint a Tax Collector and may appoint
51 a Deputy Tax Collector to collect all taxes, licenses, fees, and other moneys due the Town, subject

1 to the provisions of State law and ordinances of the Town. The Tax Collector shall diligently
2 comply with and enforce all the general laws of North Carolina relating to the collection of taxes
3 by municipalities, and shall perform such other duties as the Town Council may direct.

4 "Sec. 6.3. Finance Officer. The Town Manager shall appoint a Finance Officer and may
5 appoint a Deputy Finance Officer to perform the duties of the Finance Officer as required by the
6 Local Government Budget and Fiscal Control Act, and to perform such other duties as the Town
7 Council may direct.

8 "Sec. 6.4. Other Officers and Employees. The Town Council may authorize other offices and
9 positions to be filled by appointment of the Town Manager, and may organize the Town
10 government and combine offices as deemed appropriate, subject to the requirements of general
11 law.

12 "ARTICLE VII.

13 "Finance.

14 "Sec. 7.1. Custody of Town money. All moneys received by the Town for or in connection
15 with the business of the Town government shall be paid promptly into the Town depository or
16 depositories. Such institutions shall be designated by the Town Council in accordance with the
17 regulations and subject to the requirements as to security for deposits and interest thereon as may
18 be established by the general laws of North Carolina. All interest on moneys belonging to the
19 Town shall accrue to the benefit of the Town. All moneys belonging to the Town shall be
20 disbursed in accordance with the provisions of the Local Government Budget and Fiscal Control
21 Act.

22 "Sec. 7.2. Independent audit. As soon as possible after the close of each fiscal year, an
23 independent audit shall be made of all books and accounts of the Town government by a certified
24 public accountant or an accountant certified by the Local Government Commission. The audit
25 shall be secured in accordance with the provisions of the Local Government Budget and Fiscal
26 Control Act.

27 "ARTICLE VIII.

28 "Police.

29 "Sec. 8.1. Jurisdiction. The jurisdiction of the police force is hereby extended to include all
30 Town-owned property and facilities whether located within or outside the corporate limits, and
31 all members of the police force shall have upon and within such property and facilities all rights,
32 power and authority as they have within the corporate limits.

33 "ARTICLE IX.

34 "Street and Sidewalk Improvements.

35 "Sec. 9.1. Street improvements and assessment of costs. In addition to any authority which is
36 now or may hereafter be granted by general law to the Town for making street improvements,
37 the Town Council is hereby authorized to make street improvements and to assess the cost thereof
38 against abutting property owners in accordance with the provisions of this Article.

39 "Sec. 9.2. When petition unnecessary. The Town Council may order street improvements and
40 assess the cost thereof, exclusive of the costs incurred at street intersections against the abutting
41 property owners, according to one or more of the assessment bases set forth in Article 10 of
42 Chapter 160A of the North Carolina General Statutes, without the necessity of a petition, upon
43 the finding by the Town Council as a fact of any of the following:

- 44 (1) That such street or part thereof is unsafe for vehicular traffic and it is in the
45 public interest to make such improvement.
- 46 (2) That it is in the public interest to connect two streets or portions of a street
47 already improved.
- 48 (3) That it is in the public interest to widen a street, or part thereof, which is
49 already improved; provided, that assessments for widening any street or
50 portion of street without a petition shall be limited to the cost of widening and
51 otherwise improving such street in accordance with the street classification

1 and improvement standards established by the Town's thoroughfare or major
2 street plan for the particular street or part thereof to be widened and improved
3 under the authority granted by this Article.

4 "Sec. 9.3. Street improvement defined. For purposes of this Article, the term 'street
5 improvement' shall include grading, regrading, surfacing, resurfacing, widening, paving,
6 repaving, the acquisition of right-of-way, and the construction or reconstruction of curbs, gutters
7 and street drainage facilities.

8 "Sec. 9.4. Sidewalks; assessment of costs. In addition to any authority which is now or may
9 hereafter be granted by general law to the Town for making sidewalk improvements, the Town
10 Council is hereby authorized, without the necessity of a petition, to make or to order to be made
11 sidewalk improvements or repairs according to standards and specifications of the Town, and to
12 assess the total cost thereof against abutting property owners, according to one or more of the
13 assessment bases set forth in Article 10 of Chapter 160A of the North Carolina General Statutes;
14 provided, however, that regardless of the assessment basis or bases employed, the Town Council
15 may order the cost of sidewalk improvements made only on one side of a street to be assessed
16 against property owners abutting both sides of such street.

17 "Sec. 9.5. Assessment procedure. In ordering street and sidewalk improvements without a
18 petition and assessing the cost thereof under authority of this Article, the Town Council shall
19 comply with the procedure provided by Article 10 of Chapter 160A of the General Statutes,
20 except those provisions relating to the petition of property owners and the sufficiency thereof.

21 "Sec. 9.6. Effect of assessments. The effect of the act of levying assessments under the
22 authority of this Article shall for all purposes be the same as if the assessments were levied under
23 authority of Article 10 of Chapter 160A of the General Statutes.

24 "Sec. 9.7. Acceptance of conveyance in satisfaction of assessments. The Town Tax Collector
25 or other official employee of the Town having charge of the collection of special assessments,
26 shall have the right, power, and authority, by and with the approval of the Town Council first
27 obtained and had, to receive and accept a fee simple conveyance to the Town of any lot or parcel
28 of land in the Town, free and clear of other encumbrances, in full settlement and satisfaction of
29 all street and sidewalk assessments outstanding and unpaid against such property. Such right,
30 power, and authority, however, shall be limited to a conveyance of the whole of the lot or parcel
31 of land against which the particular assessment or assessments involved were levied. No lot or
32 tract of land may be divided and no such right, power, and authority exercised as to a part, only,
33 of the property originally embraced in and covered by said assessment or assessments. In the
34 case of such conveyance, it shall not be necessary that the street or sidewalk assessment or
35 assessments against the property be foreclosed; but the Town, upon the receipt of any such
36 conveyance, shall become and be the absolute fee simple owner of the property, as fully to all
37 intents and purposes as if purchased in and through foreclosure proceedings for the enforcement
38 of such street and sidewalk assessment or assessments.

39 "ARTICLE X.

40 "Condemnation Proceedings.

41 "Sec. 10.1. Power of eminent domain. The Town shall have authority to purchase or acquire
42 by condemnation a property right for any lawful public use or purpose. The procedure in all such
43 condemnation proceedings shall conform to the procedure provided in Article 3 of Chapter 40A
44 of the General Statutes."

45 **SECTION 2.** The purpose of this act is to revise the Charter of the Town of Troutman
46 and to consolidate certain acts concerning the property, affairs, and government of the Town. It
47 is intended to continue without interruption those provisions of prior acts that are expressly
48 consolidated into this act, so that all rights and liabilities which have accrued are preserved and
49 may be enforced.

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

4 **SECTION 4.** The following acts, having served the purposes for which they were
5 enacted or having been consolidated into this act, are expressly repealed:

6 Chapter 144 of the Session Laws of 1981

7 Chapter 104 of the Session Laws of 1983

8 Chapter 123 of the Session Laws of 1983

9 Chapter 75 of the Session Laws of 1987.

10 **SECTION 5.** The Mayor and members of the Town Council serving on the date of
11 ratification of this act shall serve until the expiration of their terms or until their successors are
12 elected and qualified. Thereafter, those offices shall be filled as provided in Articles III and IV
13 of the Charter contained in Section 1 of this act.

14 **SECTION 6.** This act does not affect any rights or interests that arose under any
15 provisions repealed by this act.

16 **SECTION 7.** All existing ordinances, resolutions, and other provisions of the Town
17 of Troutman not inconsistent with the provisions of this act shall continue in effect until repealed
18 or amended.

19 **SECTION 8.** Whenever a reference is made in this act to a particular provision of
20 the General Statutes and the provision is later amended, superseded, or recodified, the reference
21 shall be deemed amended to refer to the amended General Statute or to the General Statute that
22 most clearly corresponds to the statutory provision that is superseded or recodified.

23 **SECTION 9.** If any provision of this act or application thereof is held invalid, such
24 invalidity shall not affect other provisions or applications of this act that can be given effect
25 without the invalid provision or application and, to this end, the provisions of this act are declared
26 to be severable.

27 **SECTION 10.** This act is effective when it becomes law. No action or proceeding
28 pending on the effective date of this act by or against the Town of Troutman or any of its
29 departments or agencies shall be abated or otherwise affected by this act.