

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2023**

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**HOUSE BILL 419**

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

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Sponsors: Representative Winslow.

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

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

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March 21, 2023

A BILL TO BE ENTITLED

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

The General Assembly of North Carolina enacts:

**SECTION 1.** The Charter of the Town of Youngsville is revised and consolidated to  
read:

"THE CHARTER OF THE TOWN OF YOUNGSVILLE.

"ARTICLE I. INCORPORATION AND CORPORATE POWERS.

"Section 1.1. Incorporation. The Town of Youngsville, in Franklin County, North Carolina, and the inhabitants thereof, shall continue to be a municipal body politic and corporate, under the name of the "Town of Youngsville," hereinafter referred to as the "Town."

"Section 1.2. Powers. The Town shall continue to be vested with all of the property and rights in property belonging to the Town; shall have perpetual succession; may sue and be sued; may contract and be contracted with; may acquire and hold any property, real and personal, devised, bequeathed, sold, or in any manner conveyed, dedicated to, or otherwise acquired by them; and, from time to time, may hold, invest, sell, or dispose of the same, may have a common seal, and alter and renew the same at will. The enumeration of any particular powers, rights, immunities, or authorities shall not be held or deemed to be exclusive. In addition to any powers, rights, or authorities enumerated or implied under this Charter, the Town shall have and may exercise all the powers, functions, duties, rights, privileges, and immunities of every kind and nature whatsoever conferred upon the Town now or in the future under the general laws of the State of North Carolina, local acts applicable to the Town, and this Charter.

"ARTICLE II. CORPORATE BOUNDARIES.

"Section 2.1. Corporate Boundaries. The corporate limits of the Town shall be those existing at the time of ratification of this Charter, as the same are set forth on an 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 limits pursuant to law, the appropriate changes to the official map of the Town shall be made and copies shall be filed in the office of the Secretary of State, the Franklin County Register of Deeds, and the Franklin County Board of Elections.

"ARTICLE III. GOVERNING BODY.

"Section 3.1. Governing Body. The Town Board of Commissioners (hereinafter "Board") and the Mayor shall be the governing body of the Town.



1 "Section 3.2. Composition of Town Board. The Board shall consist of five commissioners,  
2 each to be elected at large by the qualified voters of the Town in the manner provided in Article  
3 IV of this Charter.

4 "Section 3.3. Mayor. The Mayor shall be elected by the qualified voters of the Town voting  
5 at large in the manner provided in Article IV of this Charter. The Mayor shall be the official head  
6 of the Town government and shall preside at all meetings of the Board. When there is an equal  
7 division on a question, the Mayor shall resolve the deadlock by his or her vote but shall vote in  
8 no other case.

9 "Section 3.4. Mayor Pro Tempore. In accordance with general law, the Board shall elect one  
10 of its members to act as Mayor Pro Tempore to perform the duties of the Mayor during his or her  
11 absence or disability.

12 "Section 3.5. Terms and Vacancies. Members of the Board shall serve staggered four-year  
13 terms with three members elected in the same election every four years and two members and  
14 the Mayor elected in the same election two years thereafter. The Mayor shall serve a four-year  
15 term. Vacancies that occur in any elective office of the Town shall be filled in accordance with  
16 general law.

17 "Section 3.6. Meetings. In accordance with general law, the Board shall establish a suitable  
18 time and place for its regular meetings. Special and emergency meetings may be held as provided  
19 by general law. Official actions of the Board and all votes shall be taken in accordance with the  
20 applicable provisions of general law; provided, however, that any commissioner or the Mayor  
21 who is participating in a meeting by a method of simultaneous communication, as that term is  
22 defined in G.S. 166A-19.24, may vote and be counted for purposes of forming a quorum as  
23 though that commissioner or the Mayor was physically present at the meeting.

#### 24 "ARTICLE IV. ELECTIONS.

25 "Section 4.1. Regular Municipal Elections. Regular municipal elections shall be held in each  
26 odd-numbered year in accordance with the uniform municipal election laws of North Carolina.  
27 The election of members of the Board and the Mayor shall be conducted on a nonpartisan basis  
28 and the results determined using the nonpartisan plurality method as provided by general law.

29 "Section 4.2. Special Elections and Referenda. Special elections and referenda may be held  
30 only as provided by general law.

#### 31 "ARTICLE V. ORGANIZATION AND ADMINISTRATION.

32 "Section 5.1. Form of Government. The Town shall operate under the council-manager form  
33 of government in accordance with Part 2 of Article 7 of Chapter 160A of the General Statutes.

34 "Section 5.2. Town Manager. The Board shall appoint a Town Manager to serve at its  
35 pleasure who shall be the chief administrative official of Town government, and who shall be  
36 responsible to the Board for the proper administration of the affairs of the Town. The Town  
37 Manager shall have those powers and duties provided by general law. In addition, the Town  
38 Manager shall appoint the Town Clerk, Finance Officer, Tax Collector, and Chief of Police and  
39 may create new positions or departments or assign additional functions to offices, positions, or  
40 departments as provided by general law.

41 "Section 5.3. Town Attorney. The Board shall appoint a Town Attorney who shall represent  
42 the Town, advise Town officials, and perform other duties required by law or as the Board may  
43 direct.

#### 44 "ARTICLE VI. SPECIAL POWERS AND MISCELLANEOUS PROVISIONS.

45 "Section 6.1. Extraterritorial Jurisdiction. Notwithstanding the provisions of G.S. 160D-202,  
46 the Town may exercise the powers granted under Chapter 160D of the General Statutes within a  
47 defined area extending not more than two miles beyond its contiguous corporate limits so long  
48 as the defined area is not within the corporate limits of another town or city.

49 "Section 6.2. Assessments for Transportation Improvements. In addition to any authority  
50 which is now or may hereafter be granted by general law to the Town for making street  
51 improvements, the Town is hereby authorized to make transportation improvements and to assess

1 the cost or part of the cost thereof against abutting property owners in accordance with the  
2 provisions of this section:

- 3 (1) Petition unnecessary for street improvements. The Town is authorized to order  
4 or install street improvements and assess the cost thereof, exclusive of the cost  
5 incurred at street intersections, against the abutting property owners at an  
6 equal rate per front foot, without the necessity of a petition, upon the finding  
7 by the Board as a fact that it is in the public interest to undertake such  
8 improvement, provided that assessments for widening any street or portions  
9 of street without petition shall be limited to the cost of widening and otherwise  
10 improving the street in accordance with the street classification and  
11 improvement standards established by the Town's transportation plan or plans  
12 for the particular street or part thereof to be widened and improved under the  
13 authority granted by this section. For the purpose of this section, the term  
14 "street improvement" includes grading, regrading, surfacing, resurfacing,  
15 widening, paving, repaving, the acquisition of right-of-way, and the  
16 construction or reconstruction of curb, gutters, and street drainage facilities.
- 17 (2) Petition unnecessary for sidewalk improvements. In addition to any authority  
18 which is now or may hereafter be granted by law to the Town for making  
19 sidewalk improvements, the Town is hereby authorized to order to be made  
20 or to install sidewalks or make sidewalk improvements or repairs without  
21 petition according to standards and specifications of the Town and to assess  
22 the total cost thereof against abutting property owners. If a sidewalk is  
23 constructed on only one side of a street in a residential zone, the cost thereof  
24 may be assessed against a property abutting on both sides of the street, unless  
25 there already exists a sidewalk on the other side of the street, the total cost of  
26 which has been assessed against the abutting property. For the purposes of this  
27 section, the term "sidewalk" means sidewalks, shared use paths, greenways,  
28 or other facilities for non-motor vehicle transportation, in accordance with the  
29 standards established by the Town's transportation plan or plans, and the term  
30 "sidewalk improvement" means the initial acquisition of rights-of-way, laying  
31 out, grading, and surfacing of new sidewalks, reconstruction, or major repairs.
- 32 (3) Assessment procedure. In ordering street and sidewalk improvements without  
33 a petition and assessing the cost thereof as authorized by this section, the  
34 Town shall comply with the procedure provided in general law, except those  
35 provisions relating to the petition of property owners and the sufficiency  
36 thereof.
- 37 (4) Effect of assessment. The effect of the act of levying assessments as  
38 authorized by this section shall for all purposes be the same as if assessed  
39 where levied under authority of general law.
- 40 (5) Jurisdiction for assessments. The Town's authority under this section may be  
41 exercised in the Town's corporate limits and its extraterritorial planning  
42 jurisdiction.

43 "Section 6.3. Authority to Survey and Plat for Transportation Improvements. The Town shall  
44 have power to request, make, or cause to be made, from time to time, surveys for the exact  
45 locating of the lines of new, extended, widened, or narrowed streets, highways, or other  
46 transportation facilities in the whole or any portion of the Town and the area within its  
47 extraterritorial planning jurisdiction. Personnel making such surveys are empowered to enter  
48 upon lands, make examinations or surveys, and place and maintain necessary monuments  
49 thereon, at reasonable times and with due care for the property. A plat or plats of the area or areas  
50 thus surveyed shall be prepared, on which are indicated the locations of the lines recommended  
51 as the planned or mapped lines of future rights-of-way or changes to the right-of-way. The

1 preparation of such plat or plats shall not in and of itself constitute or be deemed to constitute the  
2 opening or establishment of any streets or the taking or acceptance of any land for street purposes.

3 "Section 6.4. Special Assessments for Critical Infrastructure Needs. The Town is authorized  
4 to issue revenue bonds payable from special assessments imposed on benefited property pursuant  
5 to the terms and limitations provided in Article 10A of Chapter 160A of the General Statutes. If  
6 Article 10A of Chapter 160A of the General Statutes expires or is repealed after the date this  
7 Charter becomes law, the Town is authorized to continue to use the procedures authorized in that  
8 Article as long as the General Assembly does not prohibit it from doing so in a local or general  
9 law.

10 "Section 6.5. Recreation Fees in Lieu. In addition to the authority granted in Article 8 of  
11 Chapter 160D of the General Statutes, the Town, in the exercise of its powers to regulate the  
12 subdivision of land subject to its jurisdiction, is authorized to determine the amount of funds to  
13 be paid as a fee in lieu of dedication of land for recreation, park, or open space sites, by using a  
14 formula based upon a charge per dwelling unit of the development or subdivision without  
15 reference to property tax value; provided that this charge may vary depending on the size or type  
16 of the dwelling unit and that such fee in lieu may not exceed the fair market value of the land  
17 area that would have otherwise been required to be dedicated. Such fees in lieu shall be used for  
18 the acquisition or development of recreation, park, or open space sites that are reasonably  
19 expected to benefit or serve residents of the development or subdivision and may also be used  
20 toward acquisition or development of recreation facilities that benefit residents of the Town  
21 beyond the immediate area of the subdivision or development.

22 "Section 6.6. Billing and Collection of Public Enterprise Fees. The Town may adopt an  
23 ordinance providing that any fee imposed in connection with the operation of a public enterprise  
24 authorized by general law may be billed with property taxes, may be payable in the same manner  
25 as property taxes, and, in the case of nonpayment, may be collected in any manner by which  
26 delinquent personal or real property taxes can be collected. If an ordinance states that delinquent  
27 fees can be collected in the same manner as delinquent real property taxes, the fees shall be a lien  
28 on the real property described in the bill that includes the fees.

29 "Section 6.7. Acceptance of Conveyance of Real Property for Liens. Notwithstanding any  
30 applicable provisions of general law, the Town Board, by resolution, may accept conveyance of  
31 real property on which the Town has a lien, in full or partial satisfaction of the tax, special  
32 assessment, or other charge or liability underlying the lien, including the expense of transferring  
33 title to the Town. The resolution shall order the lien cancelled of record or reduced to the extent  
34 the liability underlying the lien is satisfied. Acceptance of conveyance by the Town does not  
35 affect a lien on the property held by a person or entity other than the Town. Property conveyed  
36 to the Town under this section may be disposed of subsequently by the Town under any of the  
37 methods authorized by law.

38 "Section 6.8. Junkyards. The Town is authorized to adopt an ordinance making it unlawful  
39 for any person or entity to create, maintain, or operate a junkyard within the Town or within the  
40 Town's extraterritorial planning jurisdiction. For purposes of this section, the term "junkyard"  
41 means any place where automobiles or other unused machinery or any other type or form of  
42 debris or garbage are piled or disposed of out in the open within the Town's corporate limits or  
43 the Town's extraterritorial planning jurisdiction. Junking, collecting, or piling in any one place  
44 of six or more old, unused cars shall constitute a "junkyard" under this section; provided,  
45 however, that the term "junkyard" shall not include the following: (i) any area which lies within  
46 the corporate limits of any town or city other than the Town, (ii) any completely enclosed  
47 building, regardless of the use thereof, (iii) any convenience center or site for collection of solid  
48 waste or recycling that does not serve as a final site for disposal of such waste or recycling, or  
49 (iv) any tract of contiguous land outside the corporate limits of the Town containing 10 or more  
50 acres in area whereon no old, unused automobiles or trucks, unused machinery, or scrap metal is

1 piled, stored, stacked, or otherwise kept and maintained within 150 feet of any adjoining property  
2 owner other than adjoining railroad rights-of-way."

3 **SECTION 2.** The purpose of this act is to revise the Charter of the Town of  
4 Youngsville and to consolidate certain acts concerning the property, affairs, and government of  
5 the Town. It is intended to continue without interruption those provisions of prior acts that are  
6 expressly consolidated into this act and those provisions of prior acts which are not inconsistent  
7 with the foregoing so that all rights and liabilities which have accrued are preserved and may be  
8 enforced.

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

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

- 14 (1) Chapter 111 of the Private Laws of 1874-1875
- 15 (2) Chapter 320 of the Private Laws of 1903
- 16 (3) Chapter 214 of the Private Laws of 1915
- 17 (4) Chapter 162 of the Private Laws of 1917
- 18 (5) Chapter 52 of the Private Laws of 1921 (Extra Session)
- 19 (6) Chapter 401 of the Public-Local Laws of 1939
- 20 (7) Chapter 293 of the 1943 Session Laws (as to Youngsville only)
- 21 (8) Chapter 1305 of the 1955 Session Laws.

22 **SECTION 5.** This act does not affect any rights or interests that arose under any  
23 provisions repealed by this act.

24 **SECTION 6.** All existing ordinances, resolutions, and other provisions of the Town  
25 of Youngsville not inconsistent with the provisions of this act shall continue in effect until  
26 repealed or amended.

27 **SECTION 7.** Whenever a reference is made in this act to a particular provision of  
28 the General Statutes and such provision is later amended, superseded, or recodified, the reference  
29 shall be deemed amended to refer to the amended General Statute or to the General Statute that  
30 most clearly corresponds to the statutory provision that is superseded or recodified.

31 **SECTION 8.** If any provision of this act or application thereof is held invalid, such  
32 invalidity shall not affect other provisions or applications of this act that can be given effect  
33 without the invalid provision or application and, to this end, the provisions of this act are declared  
34 to be severable.

35 **SECTION 9.** In order to stagger the terms of the Board and Mayor of the Town, as  
36 provided in Section 3.5 of the Charter of the Town of Youngsville, as enacted by Section 1 of  
37 this act, the term of the current Mayor of the Town shall be extended for two years and shall expire  
38 in 2027.

39 **SECTION 10.** This act is effective when it becomes law.