

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023**

**SESSION LAW 2023-73
HOUSE BILL 419**

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 it; 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. When the context of this Charter requires it, "the Town" shall mean the governing body of the Town.

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

"Section 3.3. Mayor. The Mayor shall be elected by the qualified voters of the Town voting at large in the manner provided in Article IV of this Charter. The Mayor shall be the official head



of the Town government and shall preside at all meetings of the Board. The Mayor shall vote only in the case of a tie.

"Section 3.4. Mayor Pro Tempore. In accordance with general law, the Board shall elect one of its members to act as Mayor Pro Tempore to perform the duties of the Mayor during the Mayor's absence.

"Section 3.5. Terms and Vacancies. Members of the Board shall serve staggered four-year terms with three members elected in the same election every four years and two members and the Mayor elected in the same election two years thereafter. The Mayor shall serve a four-year term. Vacancies that occur in any elective office of the Town shall be filled in accordance with G.S. 160A-63.

"Section 3.6. Meetings. In accordance with general law, the Board shall establish a suitable time and place for its regular meetings. Special and emergency meetings may be held as provided by general law. Official actions of the Board and all votes shall be taken in accordance with the applicable provisions of general law.

"ARTICLE IV. ELECTIONS.

"Section 4.1. Regular Municipal Elections. Regular municipal elections shall be held in each odd-numbered year in accordance with the uniform municipal election laws of North Carolina. The election of members of the Board and the Mayor shall be conducted on a nonpartisan basis, and the results determined using the nonpartisan plurality method as provided by G.S. 163-292.

"ARTICLE V. ORGANIZATION AND ADMINISTRATION.

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

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

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

"ARTICLE VI. SPECIAL POWERS AND MISCELLANEOUS PROVISIONS.

"Section 6.2. Assessments for Transportation Improvements. The Town, acting in accordance with all other procedures of Article 10 of Chapter 160A of the General Statutes, shall have the power to levy special assessments for street or sidewalk improvements without receiving a petition as required in G.S. 160A-217(a).

"Section 6.3. Authority to Survey and Plat for Transportation Improvements. The Town shall have power to request, make, or cause to be made, from time to time, surveys for the exact locating of the lines of new, extended, widened, or narrowed streets, highways, or other transportation facilities in the whole or any portion of the Town and the area within its extraterritorial planning jurisdiction. Personnel making such surveys are empowered to enter upon lands, make examinations or surveys, and place and maintain necessary monuments thereon, at reasonable times and with due care for the property. A plat or plats of the area or areas thus surveyed shall be prepared, on which are indicated the locations of the lines recommended as the planned or mapped lines of future rights-of-way or changes to the right-of-way. The preparation of such plat or plats shall not in and of itself constitute or be deemed to constitute the opening or establishment of any streets or the taking or acceptance of any land for street purposes.

"Section 6.4. Recreation Fees in Lieu. In addition to the authority granted in Article 8 of Chapter 160D of the General Statutes, the Town, in the exercise of its powers to regulate the subdivision of land subject to its jurisdiction, is authorized to determine the amount of funds to

be paid as a fee in lieu of dedication of land for recreation, park, or open space sites, by using a formula based upon a charge per dwelling unit of the development or subdivision without reference to property tax value; provided that this charge may vary depending on the size or type of the dwelling unit and that such fee in lieu may not exceed the fair market value of the land area that would have otherwise been required to be dedicated. Such fees in lieu shall be used for the acquisition or development of recreation, park, or open space sites that are reasonably expected to benefit or serve residents of the development or subdivision and may also be used toward acquisition or development of recreation facilities that benefit residents of the Town beyond the immediate area of the subdivision or development.

"Section 6.5. Billing and Collection of Public Enterprise Fees. The Town may adopt an ordinance providing that any fee imposed in connection with the operation of a public enterprise authorized by general law may be billed with property taxes, may be payable in the same manner as property taxes, and, in the case of nonpayment, may be collected in any manner by which delinquent personal or real property taxes can be collected. If an ordinance states that delinquent fees can be collected in the same manner as delinquent real property taxes, the fees shall be a lien on the real property described in the bill that includes the fees.

"Section 6.6. Acceptance of Conveyance of Real Property for Liens. Notwithstanding any applicable provisions of general law, the Town Board, by resolution, may accept conveyance of real property on which the Town has a lien, in full or partial satisfaction of the tax, special assessment, or other charge or liability underlying the lien, including the expense of transferring title to the Town. The resolution shall order the lien cancelled of record or reduced to the extent the liability underlying the lien is satisfied. Acceptance of conveyance by the Town does not affect a lien on the property held by a person or entity other than the Town. Property conveyed to the Town under this section may be disposed of subsequently by the Town under any of the methods authorized by law."

SECTION 2. The purpose of this act is to revise the Charter of the Town of Youngsville 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 that are expressly consolidated into this act and those provisions of prior acts which are not inconsistent with the foregoing so that all rights and liabilities which have accrued are preserved and may be enforced.

SECTION 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.

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

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

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

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

SECTION 7. Whenever a reference is made in this act to a particular provision of the General Statutes and such provision is later amended, superseded, or recodified, the reference

shall be deemed amended to refer to the amended General Statute or to the General Statute that most clearly corresponds to the statutory provision that is superseded or recodified.

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

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

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

In the General Assembly read three times and ratified this the 3rd day of July, 2023.

s/ Carl Ford
Presiding Officer of the Senate

s/ Erin Paré
Presiding Officer of the House of Representatives