

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

H.B. 1004
May 19, 2022
HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH30523-LMx-140

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

Sponsors: Representative McNeely.

Referred to:

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

4 The General Assembly of North Carolina enacts:

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

7 "THE CHARTER OF THE TOWN OF TROUTMAN.

8 "ARTICLE I.

9 "Incorporation and Corporate Powers.

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

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

26 "ARTICLE II.

27 "Corporate Boundaries.

28 "Sec. 2.1. The corporate limits of the Town of Troutman shall be those existing at the time
29 of ratification of this Charter, as set forth on the official map of the Town and as such limits may
30 be altered from time to time in accordance with law. An official map of the Town, showing the
31 current municipal boundaries, shall be maintained permanently in the office of the Town Clerk
32 and shall be available for public inspection. Upon alteration of the corporate limits pursuant to
33 law, the appropriate changes to the official map shall be made, and copies shall be filed in the
34 office of the Secretary of State, the Iredell County Register of Deeds, and the Iredell County
35 Board of Elections.

36 "ARTICLE III.



* D R H 3 0 5 2 3 - L M X - 1 4 0 *

"Mayor and Town Council.

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

"Sec. 3.2. Mayor. The Mayor shall be elected by and from 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 Town Council. When there is an equal division on a question, the Mayor shall resolve the deadlock by his or her vote, but he or she shall vote in no other case. The Mayor shall exercise such powers and perform such duties as are or may be conferred upon him or her by the general laws of North Carolina, by this Charter, and by the ordinances of the Town.

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

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

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

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

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

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

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

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

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

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

"ARTICLE IV.

"Elections.

"Chapter 1. Municipal Elections.

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

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

11 "Chapter 2. Recall of Elected Officials.

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

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

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

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

44 "Sec. 4.7. Successor in office. The successor of any officer so removed shall hold office
45 during the unexpired term of his or her predecessor. Any person sought to be removed may be a
46 candidate to succeed himself or herself, and unless he or she requests otherwise in writing, the
47 Clerk shall place his or her name on the official ballot without nomination. At such election, if
48 some person other than the incumbent is elected, the incumbent shall thereupon be deemed
49 removed from the office upon qualification of his or her successor. If the incumbent received a
50 majority of the votes in the primary election, he or she shall continue in office.

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

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

10 "ARTICLE V.

11 "Organization and Administration.

12 "Chapter 1. Town Manager.

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

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

26 "Chapter 2. Town Attorney.

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

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

41 "ARTICLE VI.

42 "Other Administrative Offices and Employees.

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

48 "Sec. 6.2. Tax Collector. The Town Manager shall appoint a Tax Collector and may appoint
49 a Deputy Tax Collector to collect all taxes, licenses, fees, and other moneys due the Town, subject
50 to the provisions of State law and ordinances of the Town. The Tax Collector shall diligently

1 comply with and enforce all the general laws of North Carolina relating to the collection of taxes
2 by municipalities, and shall perform such other duties as the Town Council may direct.

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

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

11 "ARTICLE VII.

12 "Finance.

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

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

26 "ARTICLE VIII.

27 "Police.

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

32 "ARTICLE IX.

33 "Street and Sidewalk Improvements.

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

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

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

1 street plan for the particular street or part thereof to be widened and improved
2 under the authority granted by this Article.

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

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

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

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

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

38 "ARTICLE X.

39 "Condemnation Proceedings.

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

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

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

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

3 Chapter 144 of the Session Laws of 1981

4 Chapter 104 of the Session Laws of 1983

5 Chapter 123 of the Session Laws of 1983

6 Chapter 75 of the Session Laws of 1987.

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

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

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

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

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

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