

**CHARTER  
NORTH CAROLINA GENERAL ASSEMBLY  
1979 SESSION  
CHAPTER 87  
HOUSE BILL 249**

**THE CHARTER OF THE TOWN OF HOLLY RIDGE**

**ARTICLE I. INCORPORATION, CORPORATE POWERS AND BOUNDARIES**

**Section 1.1 Incorporation**

The Town of Holly Ridge, North Carolina in the county of Onslow, and the inhabitants thereof, shall continue to be a municipal body politic and corporate, under the name and style of the Town of Holly Ridge, hereinafter at times referred to as the 'town'.

**Section 1.2 Powers**

The Town of Holly Ridge 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 Holly Ridge specifically, or upon municipal corporations generally, by this charter, by the state Constitution, or by general or local law.

**Section 1.3 Corporate Limits**

The corporate limits of the town of Holly Ridge shall be those existing at the time of ratification of this charter, as the same are set forth in the original charter and local acts amending same, and on the official map of the Town, as the same may be altered from time to time in accordance with the law. An official map of the town, showing the current town boundaries, shall be maintained permanently in the office of the Town Clerk, and shall be available for public inspection. Immediately upon alteration of the corporate limits made pursuant to law, the appropriate changes to the official map of the Town shall be made.

**Section 1.4-1.10 Reserved**

**Article II. MAYOR AND TOWN COUNCIL**

**Section 2.1 Governing Body**

The Mayor and Town Council, elected and constituted as herein set fourth, shall be the governing body of the town. On behalf of the Town, and in conformity with applicable laws, the Mayor and Council may provide for the exercise of all municipal powers, and shall be charged with the general government of the Town.

## **Section 2.2 Town Council; composition, and terms of office**

The Town Council shall be composed of five members. The two candidates receiving the highest and second highest number of votes for Town Council during the 2013 election in the manner provided by Article III of this Charter shall be elected for terms of four years, provided they shall serve until their successors are elected and qualified. The three candidates receiving the third, fourth, and fifth highest number of votes for Town Council during the 2013 election in like manner shall be elected for terms of two years. Beginning with the 2015 election, all Council members shall be elected for terms of four years as the terms described herein expire. (Terms Amended July 10, 2012)

## **Section 2.3 Selection of the Mayor: Term of Office**

The Mayor shall be elected directly by the voters of the Town in the manner provided by Article III, of this Charter for a term of four years; provided the Mayor shall serve until his successor is elected and qualified. The Mayor shall be the official head of the town government and shall preside at all meetings of the town council. He shall have the right to vote only if there is an equal number of votes in the affirmative and the negative on any matter before the council. The mayor shall exercise such powers and perform such duties as presently are or hereafter maybe conferred upon him by the General Statutes of North Carolina by this charter, and by the ordinances of the town. (Term Amended July 10, 2012)

## **Section 2.4 Mayor Pro Tempore**

In accordance with applicable State laws, the Town Council shall appoint one of its members to act as Mayor Pro Tempore to 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 board.

## **Section 2.5 Meetings of the Council**

In accordance with the General Statutes, the town council shall establish a suitable time and place for its regular meetings. Special meetings may be held according to the applicable provisions of the General Statutes.

## **Section 2.6. Ordinances and Resolutions**

The adoption, amendment, repeal, pleading, or proving of Town ordinances and resolutions shall be in accordance with the applicable provisions of the general laws of North Carolina not inconsistent with this charter. The ayes and noes [nays] shall be taken upon all ordinances and resolutions and entered upon the minutes of the council. The enacting clause of all Town ordinances shall be: 'Be it ordained by the Town Council of the Town of Holly Ridge.'

## **Section 2.7. Voting Requirements; quorum**

Official action of the Town Council shall, unless otherwise provided by law, be by majority vote,

provided that a quorum, consisting of a majority of the actual membership of the board, is present. Vacant seats are to be subtracted from the normal Council membership to determine the actual membership.

### **Section 2.8. Qualifications for Office; vacancies; compensation**

The compensation of Council members, the filing of vacancies for any elective office, and the qualifications of council members shall be in accordance with applicable provisions of the General Statutes.

### **Section 2.9-2.15 (Reserved)**

## **ARTICLE III. ELECTIONS**

### **Section 3.1. Regular municipal elections; conduct and method of election**

Regular municipal elections shall be held in the Town every two years in odd numbered years and shall be conducted in accordance with the uniform municipal election laws of North Carolina. The Mayor and members of the Town Council shall be elected according to the non-partisan plurality method of elections as set forth in G.S. 163-279(a) (1) and the applicable provisions of Articles 23 and 24 of chapter 163 of the General Statutes.

### **Section 3.2. Election of the mayor and town council**

At the regular municipal elections in 1979 and biennially thereafter, there shall be elected a Mayor and Five Council members to fill the seats of those officers whose terms are then expiring.

### **Section 3.3-3.10 (Reserved)**

## **SECTION IV. ORGANIZATION AND ADMINISTRATION**

### **Section 4.1. Form of government**

The town shall operate under the Council form of government, in accordance with Part 3 of Article 7 of Chapter 160A of the General Statutes.

### **Section 4.2. Town Attorney**

The Town Council shall appoint a town attorney who shall be licensed to engage in the practice of law in the state of North Carolina. It shall be the duty of the town attorney to prosecute and defend suits against the town; to advise the mayor, town council and other town officials with respect to the affairs of the Town; to draft all legal documents relating to the affairs of the town; to inspect and pass upon all agreements, contracts, franchises and other instruments with which

the town may be concerned; to attend meetings of the town council; and to perform other duties required by law or as the town council may direct.

### **Section 4.3. Town Clerk**

The Town Council shall appoint a town clerk to keep a journal of the proceedings of the council, to maintain in a safe place all records and documents pertaining to the affairs of the town, and to perform other duties as required by law or as the town council may direct.

### **Section 4.4. Town Finance Officer**

The Town Council shall appoint a Town Finance officer to perform the duties of the finance officer as required by the Local Government Finance Act, N.C.G.S. 159-24.

### **Section 4.5. Town Budget Officer**

The Town Council shall appoint a Town Budget Officer to perform the duties of the budget officer as required by the Local Government Finance Act, N.C.G.S. 159-9.

### **Section 4.6. Town Tax Collector.**

The Town Council shall appoint a Town Tax collector to collect all taxes, licenses, fees, and other monies belonging to the town, subject to the General Statutes, the provisions of this charter and the ordinances of the Town. The Town tax collector shall diligently comply with and enforce all the laws of North Carolina relating to the collection of taxes by municipalities, N.C.G.S. 105-349.

### **Section 4.7. Consolidation of Functions**

The Town Council may consolidate any two or more positions of town clerk, town tax collector, town budget officer and town finance officer, or may assign the functions of any one or more of these positions to the holder or holders of any other of these positions, subject to the Local Government Finance Act, N.C.G.S. et. Seq.

### **Section 4.8. Other Administrative Officers and Employees**

Consistent with applicable State laws, the town council may establish positions, provide for the appointment of other administrative officers and employees, and generally organize the town government in order to promote the orderly and efficient administration of the affairs of the town.

### **Sections 4.9 through 4.15 (Reserved)**

## **SECTION V. SPECIAL PROVISIONS**

### **Section 5.1. Street improvements; assessment of costs.**

In addition to any authority which is now or may hereafter be granted by general law to the town for making street improvements, the town council is hereby authorized to make street improvements and to assess the cost thereof against abutting property owners in accordance with the provisions of Sections 5.1 through 5.6 herein.

### **Section 5.2 When petition unnecessary.**

The town council may order street improvements and assess the cost thereof against the abutting property owners, exclusive of the costs incurred at street intersections, according to one or more of the assessment bases set forth in Article 10 of Chapter 160A of the North Carolina General Statutes, without the necessity of a petition, upon the finding by the board as a fact:

- (a) That the street improvement project does not exceed 1,200 linear feet, and
- (b) That such street or part thereof is unsafe for vehicular traffic, and it is in the public interest to make such improvement, or
- (c) That it is in the public interest to connect two streets, or portions of a street already improved, or
- (d) That it is in the public interest to widen a street, or part thereof which is already improved; provided, that assessments for widening any street or portion of street without a petition shall be limited to the cost of widening and otherwise improving such street in accordance with the street improvement standards established by the town's street plan for the particular street or part thereof to be widened and improved under the authority granted by this Article.

### **Section 5.3. Street Improvement Defined.**

For the purposes of this Article, the term "street improvement" shall include grading, regarding, surfacing, resurfacing, widening, paving, repaving, the acquisition of right-of-way, and the construction or reconstruction of curbs, gutters, and street drainage facilities.

### **Section 5.4. Sidewalks; assessment of costs.**

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

### **Section 5.5. Assessment procedure**

In ordering street and sidewalk improvements without a petition and assessing the cost thereof under authority of this Article, the town council shall comply with the procedure provided by Article 10, Chapter 160A of the General Statutes, except those provisions relating to the petition of property owners and the sufficiency thereof.

### **Section 5.6. Effect of Assessments**

The effect of the act of levying assessments under the authority of this Article shall for all purposes be the same as if the assessments were levied under authority of Article 10 of Chapter 160A of the General Statutes.”

### **Section 5.7 through 5.15 (Reserved)**

### **Section 2. [Purpose.]**

The purpose of this act is to revise the Charter of the Town of Holly Ridge and to consolidate herein certain acts concerning the property, affairs, and government of the town. It is intended to continue without interruption those provisions of prior acts which are consolidated into this act, so that all rights and liabilities that have accrued are preserved and may be enforced.

### **Section 3. [Act not deemed to affect portions of acts or amendments set forth herein.]**

This act shall not be deemed to repeal, modify or in any manner affect any of the following acts, portions of acts, or amendments thereto, whether or not such acts, portions of acts, or amendments are expressly set forth herein:

- (a) Any acts concerning the property, affairs, or government of public schools in the Town of Holly Ridge;
- (b) Any acts validating, confirming, approving, or legalizing official proceedings, actions, contracts, or obligations of any kind.

### **Section 4. [Provision shall not affect any rights or interests repealed laws.]**

No provisions of this act is intended, nor shall be construed, to affect in any way rights of interest (whether public or private)

- (a) Now vested or accrued, in whole or part, the validity of which might be sustained or preserved by reference to any provisions of law repealed by this act;
- (b) Derived from, or which might be sustained or preserved in reliance upon, action heretofore taken pursuant to or within the scope of any provisions of law repealed by this act.

**Section 5. [Repealed law cannot be revived by repeal.]**

No law heretofore repealed expressly or by implication, and no law granting authority which has been exhausted, shall be revived by:

- (a) The repeal herein of any repealing such law, or
- (b) Any provision of this act that disclaims an intention to repeal or affect enumerated or designated laws.

**Section 6. [Existing ordinances and resolutions in full force.]**

- (a) All existing ordinances and resolutions of the Town of Holly Ridge and all existing rules or regulations of departments or agencies of the Town of Holly Ridge not inconsistent with the provisions of this act, shall continue in full force and effect until repealed, modified or amended.
- (b) No action or proceeding of any nature (whether civil or criminal, judicial or administrative, or otherwise) pending at the effective date of this act by or against the Town of Holly Ridge or any of its departments or agencies shall be abated or otherwise affected by the adoption of this act.

**Section 7. [Severability.]**

If any of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this act which 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 8. [Amendment of provisions in regard to General Statues.]**

Whenever a reference is made in this act to a particular provision of the General Statues, and such provision is later amended, repealed or superseded, the reference shall be deemed amended to refer to the amended General Statue, or to the General Statue which most clearly corresponds to the statutory provision which is repealed or superseded.

**Section 9. [Provisions in conflict with this act.]**

All laws and clauses of laws in conflict with the provision of this Act are hereby repealed.

**Section 10. [This act is effective upon ratification]**

This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 26<sup>th</sup> day of February 1979.  
AN ORDINANCE TO AMEND THE CHARTER OF THE TOWN OF HOLLY RIDGE,  
NORTH CAROLINA TO ADOPT THE COUNCIL- MANAGER FORM OF GOVERNMENT.

BE IT ORDAINED, by the Town Council of the Town of Holly Ridge, North Carolina:

Section 1: Pursuant to G.S. 160A-101 and 160A-102, the Charter of the Town of Holly Ridge, North Carolina as set forth in Chapter 86 of the 1979 Session Laws of North Carolina is hereby amended to provide that the Town of Holly Ridge, North Carolina shall operate under the Council- Manager form of government in accordance with the N.C.G.S. 160a-147 et. Seq. and any charter provisions not in conflict therewith.

Section 2: Subject to any referendum petitioned for and conducted pursuant to G.S. 160A-103, this ordinance shall be in full force and effect from and after the day of October 17, 1986.

This ordinance unanimously adopted this 2<sup>nd</sup> day of September, 1986.