

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011

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SENATE BILL 82

Short Title: Town of Atkinson/Charter Amendment. (Local)

Sponsors: Senator Rabon.

Referred to: State and Local Government.

February 21, 2011

A BILL TO BE ENTITLED

AN ACT AMENDING THE CHARTER OF THE TOWN OF ATKINSON TO ALLOW THE QUALIFIED VOTERS OF THE ENTIRE TOWN TO ELECT THE TOWN OFFICERS, TO CHANGE THE NAME OF THE GOVERNING BODY, AND TO EXTEND THE TERM OF OFFICE OF THE MEMBERS OF THE GOVERNING BODY FROM TWO TO FOUR YEARS AND STAGGERING THOSE TERMS.

The General Assembly of North Carolina enacts:

**SECTION 1.** The Charter of the Town of Atkinson, being Chapter 163 of the Private Laws of 1921, reads as rewritten:

"Section 1. That the inhabitants of the ~~town~~Town of Atkinson shall be and continue as they have been heretofore, a body politic and corporate, and the corporation shall bear the name and style of "The Town of Atkinson," and under such name it may sue and be sued, plead and be impleaded, vested with the rights of property which may now belong or hereafter belong to the ~~said town~~Town or possessed by it under any corporate name, and may acquire, hold for the purpose of its government and the welfare of its people and its improvement or otherwise all such estates as may be devised, bequeathed, conveyed or purchased with the power to contract and be contracted with and to convey or purchase both real and personal property, and shall have all powers and rights appertaining to the municipal welfare.

Sec. 2. That the ~~town~~Town of Atkinson shall have the same ~~town~~Town limits as laid out in its original charter, chapter one hundred and twenty-five, Private Laws of one thousand nine hundred and ~~nine, except that the said town shall be divided up into four wards denominated, first, second, third, and fourth located as follows:~~

~~First Ward—All that section of the town lying and being east of the Atlantic Coast Line Railroad and south of Church Street.~~

~~Second Ward—All that section of the town lying and being situated east of the Atlantic Coast Line Railroad and north of Church Street.~~

~~Third Ward—All that section of the town lying, and being situated west of the Atlantic Coast Line Railroad and south of Church Street.~~

~~Fourth Ward—All that section of the town lying and being west of the Atlantic Coast Line Railroad and north of Church Street.~~nine.

Sec 3. ~~That the officers of said town shall consist of four aldermen, a mayor and a town marshal, one alderman to be elected from each ward by the qualified voters of their respective wards or by a general election for all aldermen and mayor by the qualified voters of all wards at a general election, and that such election shall be held on the first Tuesday after the first Monday in May, one thousand nine hundred and twenty one, and every two years thereafter, and that all elections held in the town of Atkinson shall be held in compliance with the prevailing election laws governing "Municipal Elections."~~The officers of the Town shall be



1 four Commissioners and the Mayor, who shall be elected according to the nonpartisan plurality  
2 method of election, as provided in G.S. 163-292. The Commissioners shall be elected in a  
3 multiseat contest, and the Mayor shall be elected separately. Except as provided in Section 3.1  
4 of this Charter, regular municipal elections shall be held in the Town every two years and shall  
5 be conducted in accordance with the uniform municipal elections laws of North Carolina.

6 Sec. 3.1. Except as provided otherwise in this section, the Commissioners shall be elected  
7 to four-year terms by the qualified voters of the entire Town, and the Mayor shall be elected to  
8 a two-year term by the qualified voters of the entire Town. In 2011, and biennially thereafter, a  
9 Mayor shall be elected separately from the Commissioners to a two-year term. In 2011, for the  
10 position of Commissioner, the two persons receiving the highest numbers of votes in a  
11 multiseat contest shall be elected to four-year terms, and the two persons receiving the next  
12 highest number of votes shall be elected to two-year terms. In 2013, and quadrennially  
13 thereafter, two persons shall be elected to four-year terms. In 2015, and quadrennially  
14 thereafter, two persons shall be elected to four-year terms.

15 Sec 4. That it shall be the duty of the mayor and ~~aldermen-commissioners~~ of ~~said town~~ the  
16 ~~Town~~ to make laws and ordinances for the regulation and government of ~~said town~~ the Town.

17 Sec 5. It shall be the duty of the officers of ~~said town~~ the Town to make such laws as  
18 necessary that will improve the well-being of the inhabitants of the ~~said town~~ Town and to  
19 make laws, and to raise revenue for the necessary expense of the ~~said town~~ Town and for the  
20 improvement of its streets and sidewalks and public buildings, to call elections when necessary  
21 to raise special revenue from the sale of bonds to meet the requirements and expenditures of the  
22 ~~said town~~ Town for any and all purposes.

23 Sec 6. That the ~~town~~ Town of Atkinson shall have the power and authority to own and  
24 control, purchase or sell, operate and contract in, all modern utilities such as electric power  
25 plants, public play-grounds, parks, hospitals, water-works, and to levy special taxes or sell  
26 bonds taxable against the property of the inhabitants of ~~said town~~ the Town, to improve streets,  
27 extend streets, condemn land of private persons for the purpose of street and sidewalk  
28 improvement, raise revenue for such purposes, to buy, take over and sell any telephone system  
29 for the benefit and convenience of the inhabitants of ~~said town~~ the Town.

30 Sec 7. That the ~~said town~~ Town shall have the right to call elections and hold elections at  
31 any regular meeting of the mayor and board of ~~aldermen-commissioners~~ for the purpose of the  
32 sale of bonds to raise revenue to purchase electric power plants, telephone systems,  
33 water-works, public play-grounds and parks when necessary for the welfare and improvement  
34 of the ~~said town~~ Town.

35 Sec 8. That no part of the former charter of the ~~town~~ Town of Atkinson is repealed or  
36 destroyed by this act, but the same is by this amendment amended and revised.

37 Sec 9. That the ~~said town~~ Town shall have all the rights, privileges and immunities  
38 conferred or hereafter to be conferred on towns and cities by chapter seventy-three of Revisal  
39 of North Carolina, and all acts amendatory or supplemental thereto, and by such acts as may  
40 hereafter be passed by the General Assembly with reference to towns and cities when the same  
41 is not inconsistent with this charter or within its provisions.

42 Sec 10. That all laws inconsistent or coming in conflict with the provisions of this act be  
43 and the same is hereby rescinded and repealed.

44 Sec 11. This act shall be in force and effect from and after its ratification."

45 **SECTION 2.** This act is effective when it becomes law.