

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023**

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**HOUSE BILL 419
Committee Substitute Favorable 4/4/23
Committee Substitute #2 Favorable 4/26/23**

Short Title: Youngsville Charter Revised & Consolidated.

(Local)

Sponsors:

Referred to:

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 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.



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. The Mayor shall vote
7 only in the case of a tie.

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

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

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

20 "ARTICLE IV. ELECTIONS.

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

25 "ARTICLE V. ORGANIZATION AND ADMINISTRATION.

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

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

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

38 "ARTICLE VI. SPECIAL POWERS AND MISCELLANEOUS PROVISIONS.

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

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

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

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

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

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

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

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

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

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

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

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

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

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