

NORTH CAROLINA GENERAL ASSEMBLY
1961 SESSION

CHAPTER 1014
HOUSE BILL 1045

AN ACT TO INCORPORATE THE TOWN OF CHADWICK ACRES, NORTH
CAROLINA IN ONSLOW COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The inhabitants of Chadwick Acres, Onslow County, within the boundaries hereinafter established, are hereby incorporated under the name of the Town of Chadwick Acres, and same is hereby created a body politic and corporate; and shall hereafter possess all the corporate powers and be subject to all the provisions contained in Chapter 160 of the General Statutes of North Carolina.

Sec. 2. Corporate Limits. The corporate limits and boundaries of the Town of Chadwick Acres in Onslow County shall embrace the following described territory, to wit: Situate, lying and being in Stump Sound Township, Onslow County and State of North Carolina and more particularly described as follows, to wit:

Bounded on the West by lands of A. M. Grant, on the North by lands of R. L. Jenkins and the waters of Chadwick Bay, on the East and South by the Intracoastal Waterway, BEGINNING at an iron stake in the eastern line of the A. M. Grant tract known as the Pole Cat Tract, said line being the dividing line between the lands of A. M. Grant, Percy G. Grant and others, said stake being the common corner of the R. L. Jenkins' Jas. T. Jenkins Tract, the International Paper Company's Elisha Hill Tract, and the lands of the said Percy G. Grant and runs North 82 degrees East 3022.5 feet across the Jas. T. Jenkins and Robb Justice Tracts to a stake in the eastern line of the Robb Justice Tract, a corner; thence South 24 degrees 20 minutes East 900.5 feet to an iron stake near where an old road crossed a fence at a gate a corner; thence near the line of a fence North 72 degrees 20 minutes East 1744 feet to an iron stake near the corner of a fence, a corner; thence continuing near the line of a fence North 3 degrees 20 minutes East 664 feet to a stake in the edge of the marsh of Chadwick Bay; thence continuing at the edge of the water of Chadwick Bay in an easterly direction to the edge of the Intracoastal Waterway and beyond to the center line of said waterway to a point, a corner; thence as a center line of said waterway in a southwesterly and westerly direction to a point from which a course North 31 degrees West will direct to the beginning, thence North 31 degrees West to the edge of the marsh to an iron stake and beyond said stake 2948 feet to the point of beginning, containing 308.5 acres, more or less, and being the same lands described in and conveyed by those certain deeds recorded in Books No. 186 at page 221 and Book No. 191 at page 152 in the office of

the Register of Deeds of Onslow County, and being the same lands described in a survey or plat thereof prepared by W. R. McDuffie, R. S., dated October, 1960.

Sec. 3. The officers of said municipality shall consist of a mayor and three (3) commissioners, to wit: Mayor, Percy G. Grant; Commissioners, J. R. Carroll, R. Alton Capps and J. M. McManus. Each is appointed for a term of two years and until their successors have been duly elected and have qualified. The mayor and commissioners will constitute the governing body of said municipality.

Sec. 4. The inhabitants of Chadwick Acres, North Carolina, within the boundaries as established in Section 2 of this Act shall be a body politic and corporate by the name of Chadwick Acres, North Carolina, Onslow County, North Carolina, and under that name shall have perpetual succession; may use a corporate seal; may sue and be sued; may acquire property within or without said boundary for any municipal purpose, in fee simple or lesser estate, by purchase, gift, devise, lease or condemnation and may sell, lease, hold, manage and control such property as its interest may require and except as prohibited by the Constitution of North Carolina or restricted by this Charter, the Town of Chadwick Acres shall have and may exercise all municipal powers, functions, rights, privileges and immunities of every name and nature whatsoever. The following shall be deemed to be a part of the powers conferred upon the Town of Chadwick Acres by this Section:

(1) To levy, assess and collect taxes and to borrow money within the limits prescribed by general law; and to levy and collect special assessments for benefits conferred.

(2) To furnish all local public services; to purchase, hire, construct, own, maintain and operate or lease local public utilities; to acquire, by condemnation or otherwise, within or without the corporate limits, property necessary for any such purposes, subject to restrictions imposed by general law for the protection of other communities; and to grant local public utility franchises and regulate the exercise thereof.

(3) To make local public improvements and to acquire, by condemnation, or otherwise, property within or without its corporate limits necessary for such improvements; and also to acquire an excess over that needed for any such improvements, and to sell or lease such excess property with restrictions, in order to protect and preserve the improvement.

(4) To issue and sell bonds on the security of any such excess property, or of any public utility owned by the town, or of the revenue thereof, or of both, including the case of a public utility, if deemed desirable by the town, a franchise stating the terms upon which, in case of foreclosure, the purchaser may operate such utility.

(5) The Board of Commissioners of the Town of Chadwick Acres is hereby authorized and empowered to exercise any and all powers of planning and zoning conferred upon the Town of Chadwick Acres and vested in its governing body by this Charter and the General Statutes of North Carolina including the provisions of Article 14, Chapter 160 and Sections 160-226 through 160-227.1 or by any other Statute applicable to the Town of Chadwick Acres for the area beyond and surrounding the corporate limits and within all of the territory embraced by the recorded map of

"Chadwick Acres" as recorded in Map Book 6 in the Register of Deeds' office in Onslow County, to the same extent and according to the same methods of procedure as applicable to planning and zoning within the corporate limits.

(6) The jurisdiction of all police and law enforcement officers of the Town of Chadwick Acres is hereby extended outside and beyond the corporate limits and within all of the territory embraced by the recorded map of "Chadwick Acres" as recorded in Map Book 6 in the Register of Deeds' office in Onslow County and such law enforcement officers shall have the same powers, duties and authority within the above described area as if such area were located inside the corporate limits.

(7) To adopt and enforce within its limits local police, sanitary and other similar regulations not in conflict with general laws.

Except as otherwise provided in this Act the board of commissioners shall have authority to determine by whom and in what manner the powers granted by this Section shall be exercised.

Sec. 5. Enumerated Powers Not Exclusive. The enumeration of particular powers by this Charter shall not be held or deemed to be exclusive but, in addition to the powers enumerated therein or implied thereby, or appropriate to the exercise of such powers, it is intended that the Town of Chadwick Acres shall have, and may exercise, all powers which, under the Constitution of North Carolina, it would be competent for this Charter specifically to enumerate. All powers of the town, whether expressed or implied, shall be exercised in the manner prescribed by this Charter, or, if not prescribed therein, then in the manner provided by ordinance or resolution of the board of commissioners.

Sec. 6. Creation and Composition of Mayor and Board of Commissioners. Except as otherwise provided in this Charter all powers of the town shall be vested in a board of commissioners of three members and a mayor nominated and elected from the town at large in the manner hereinafter provided. The term of office of the mayor and of the board of commissioners shall be for two years and until their successors are elected and have qualified, and shall begin on the first Saturday of July, 1963. If a vacancy occurs in the office of mayor or commissioner, it shall be filled by the board of commissioners for the unexpired term. Each member of the board of commissioners shall receive such salary as is prescribed by ordinance. The mayor shall receive such salary as is provided by ordinance. The mayor and members of the board of commissioners shall be qualified electors or qualified nonresident freeholders of the town. The mayor or member of the board of commissioners ceasing to possess any of the qualifications specified in this Act, or convicted of crime while in office, shall immediately forfeit his office.

Sec. 7. Meetings of Board of Commissioners. The first meeting of the board of commissioners shall be held on the first Saturday in July, 1961. Thereafter, the board of commissioners shall meet at such times as may be prescribed by ordinance, but not less frequently than once each month during the months of June, July and August. Special meetings may be called by the mayor or two members of the board of commissioners. Any meeting called by the mayor or two members of the board shall be called by giving written notice of such meeting two days prior thereto. The notice shall

state the time, place and purpose of such meeting. On the second Saturday in July, 1961, and biennially thereafter, the mayor and board of commissioners elected at the regular municipal election shall meet and assume their duties. All subsequent meetings shall be held in accordance with this Section. All meetings shall be open to the public and any citizen of the town shall have a reasonable opportunity to be heard in regard to any matter considered thereat.

Sec. 8. Mayor and Mayor Pro Tem. At its first meeting in the month of July following a regular municipal election, the board of commissioners shall choose one of its members as vice chairman, who shall act as mayor pro tem. The mayor shall preside at meetings of the board of commissioners and shall exercise such other powers and perform such other duties as are or may be conferred and imposed upon him by the general laws of North Carolina, by this Charter and the ordinances of the town. He shall be recognized as the head of the town government for all ceremonial purposes, by the courts for serving civil processes, and by the Governor for the purpose of military law. In time of public danger or emergency the mayor shall, if so authorized and directed by a vote of the board of commissioners, take command of the police, maintain order and enforce the law. In case of the absence or disability of the mayor, the mayor pro tem shall act as mayor during the continuance of the absence or disability.

Sec. 9. Board of Commissioners Rules. The board of commissioners shall be the judge of the election and qualifications of its members and of the mayor, and in such cases shall have the power to subpoena witnesses and compel the production of all books, records, and papers; but the decision of the board of commissioners in any such case shall be subject to review by the courts. The board of commissioners shall determine its own rules and order of business and keep a journal of its proceedings.

Sec. 10. Quorum. A majority of the members elected to the board of commissioners shall constitute a quorum to do business, but a less member may adjourn from time to time and compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance. The affirmative vote of a majority of the members elected to the board of commissioners shall be necessary to adopt any ordinances, resolutions, order or vote.

Sec. 11. Introduction and Passage of Ordinances and Resolutions. Ordinances and resolutions shall be introduced in the board of commissioners only in writing or printed form. The yeas and nays shall be taken upon the passage of all ordinances and resolutions and entered upon the journal of the proceedings of the board of commissioners.

Sec. 12. Effective Date of Ordinances, Resolutions. All ordinances including ordinances making the annual tax levy, appropriations, pertaining to local improvements and assessments, and emergency measures shall take effect at the time indicated therein except as otherwise required by the North Carolina General Statutes.

Sec. 13. Authentication of Ordinances and Resolutions. Upon its final passage each ordinance or resolution shall be authenticated by the signature of the mayor and the town clerk and shall be recorded in a book kept for that purpose.

Sec. 14. Municipal Elections. The regular election for the choice of mayor and members of the board of commissioners shall be held on the first Saturday in July in

the odd-numbered years. The board of commissioners may by resolution order a special election, fix the time for holding the same, and provide all means for holding such special election.

Sec. 15. Regulations of Elections. All elections shall be conducted in accordance with the general State laws relating to municipal elections, except as otherwise provided herein.

Sec. 16. Nominations. Any qualified electors or nonresident freeholder of the Town of Chadwick Acres may become a candidate for mayor or the board of commissioners by filing a notice in writing of his desire to seek such office with the town not later than June the 15th and by paying a filing fee of five dollars (\$5.00).

Sec. 17. Registration of Voters. All qualified electors in order to be eligible to vote in the municipal election must be registered in the Town of Chadwick Acres. Registration books shall be open for the registration of voters on the last two Saturdays in June immediately preceding the date of the election. Nonresident freeholders shall not register but shall be entitled to vote provided such persons are at least 21 years of age and have resided in North Carolina for one (1) year immediately preceding the election. Provided further that in case of real property held as tenant by entirety or as tenant in common each party shall be entitled to a vote.

Sec. 18. Notice of Election. Not later than May 15, 1963 and biennially thereafter, the mayor and board of commissioners shall cause notice of the election to be posted in five (5) public places in the Town of Chadwick Acres and cause the same notice to be sent by United States mail to each nonresident freeholder at his last known address. Such notice shall state:

(1) The date and the polling place for the municipal election for mayor and board of commissioners.

(2) The name and address of the registrar and judges of election.

(3) The date and time for the opening and closing of the registration books.

(4) The requirement that qualified electors must register in order to vote and that qualified nonresident freeholders are eligible to vote.

(5) Qualified electors and qualified nonresident freeholders are eligible to be candidates for mayor or member of the board of commissioners.

(6) Candidates for office must file notice of candidacy for such office in writing with the town not later than June 15th immediately preceding the election and such notice must be accompanied by a filing fee of five dollars (\$5.00).

Sec. 19. Election of Mayor and Board of Commissioners. All qualified electors and all qualified nonresident freeholders shall be entitled to vote for one candidate for mayor and for as many candidates as there are members to be elected to the board of commissioners. All candidates up to the number to be elected who receive the largest number of votes shall be declared elected. Immediately upon the declaration of the results of the election by the governing body, they shall determine from those elected which persons are nonresident freeholders and transmit to the Governor of North Carolina the names of such persons. In addition, they shall advise the Governor that the names of the persons submitted received the largest number of votes and the Governor

shall confirm the election of such persons and declare them duly elected to the office of mayor or commissioner.

Sec. 20. Appointment of Officers and Employees. The board of commissioners may appoint a town clerk, a treasurer, a tax collector, an accountant, a town attorney, a chief of police, a fire chief, and such other officers and employees as may be necessary, none of whom need be a resident of the town at the time of appointment: Provided, that the board of commissioners may appoint one person to fill any two or more such positions. Such employees or officers shall serve at the pleasure of the board of commissioners and shall perform such duties as may be prescribed by the board of commissioners. The board of commissioners shall fix all salaries, prescribe bonds and require such oaths as they may deem necessary.

Sec. 21. Custody of Town Money. All money received by any department or agency of the town for or in connection with the business of the town government shall be paid promptly into the town depository. Such institution shall be designated by the board of commissioners in accordance with such regulations and subject to such requirements as to security for deposits and interest thereon as may be established by ordinance. All interest on money belonging to the town shall accrue to the benefit of the town government. All money belonging to the town government shall be disbursed only on vouchers signed by the mayor and countersigned by the officer designated by the board of commissioners.

Sec. 22. Issuance of Bonds. The town may issue bonds for the purpose and in the manner prescribed by the general laws of the State of North Carolina for the issuance of bonds by municipalities.

Sec. 23. Purchase Procedure. Before making any purchase for supplies, materials, equipment, opportunity shall be given for competition, under such rules and regulations, and with such exceptions, as the board of commissioners may prescribe. All expenditures for supplies, materials, equipment, involving more than one thousand dollars (\$1,000.00) shall be made on a written contract, and such contract shall be awarded to the lowest responsible bidder after such public notice and competition as may be prescribed by the board of commissioners.

Sec. 24. Independent Audit. As soon as practicable after the close of each fiscal year, an independent audit shall be made of all accounts of the town government by qualified public accountants, selected by the board of commissioners, who have no personal interest directly or indirectly in the financial affairs of the town government or of any of its officers. The result of this audit shall be published immediately upon completion.

Sec. 25. Publicity of Records. All records and accounts of every office and department of the town shall be open to inspection by any citizen or by any representative of the press at all reasonable times and under reasonable regulations established by the board of commissioners.

Sec. 26. Personal Interest. Neither the mayor nor any members of the board of commissioners nor any officer or employee of the town shall have a financial interest, direct or indirect, in any contract with the town, or be financially interested, directly or indirectly, in the sale to the town of any land, materials, supplies or services, except on

behalf of the town as an officer or employee. Any willful violation of this Section shall constitute malfeasance in office, and any officer or employee of the town found guilty thereof shall thereby forfeit his office or position. Any violation of this Section, with the knowledge expressed or implied of the person or corporation contracting with the town shall render the contract voidable by the board of commissioners.

Sec. 27. Oath of Office. Every officer of the town shall, before entering upon the duties of his office, take and subscribe to the following oath or affirmation, to be filed and kept in the office of the town.

"I solemnly swear (or affirm) that I will support the Constitution and will obey the laws of the United States and of the State of North Carolina, that I will, in all respects, observe the provisions of the Charter and ordinances of the Town of Chadwick Acres and will faithfully discharge the duties of the office of _____."

Sec. 28. Saving Clause. If any part of this Charter shall be declared invalid by a court of competent jurisdiction, such judgment shall not invalidate the remainder of the Charter. The provisions of this Charter shall supersede all laws and ordinances not consistent herewith, in so far as the Town of Chadwick Acres is affected thereby.

Sec. 29. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of June, 1961.