

NORTH CAROLINA GENERAL ASSEMBLY  
1961 SESSION

CHAPTER 1022  
HOUSE BILL 1130

AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF  
LOUISBURG IN FRANKLIN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Body politic and corporate. The Charter of the Town of Louisburg is hereby revised and consolidated. The inhabitants of the Town of Louisburg shall continue to be a body politic and corporate, incorporated under the name "Town of Louisburg", and under this name shall have perpetual succession, may adopt a corporate seal, may sue and be sued, may enter into contracts, and shall have all the rights, powers and duties now or hereafter prescribed by the general laws of North Carolina pertaining to incorporated cities and towns, and as more particularly prescribed by this Charter as now written or as hereafter amended.

Sec. 2. Corporate boundaries. The corporate boundaries of the Town of Louisburg shall be as follows until hereafter, from time to time, changed in accordance with law:

BEGINNING at a point in N. C. Highway No. 56 at Fox Swamp Branch southerly along the center line of Fox Swamp Branch, a distance of 4230 feet to the northern bank of Tar River; thence northwesterly along said northern bank of Tar River 2000 feet; thence across said river South 39 degrees 15 minutes West 3570 feet; thence North 42 degrees 40 minutes West 3430 feet; thence North 32 degrees 35 minutes East 3990 feet; thence North 28 degrees 50 minutes East 3820 feet; thence North 83 degrees 30 minutes West 610 feet to a stake, the northwest corner of the Edgewood Subdivision; thence North 1 degree 00 minutes West 622.2 feet to a stake; thence South 85 degrees 00 minutes East 960 feet to a stake, southeast corner of Edgewood Subdivision; thence North 28 degrees 50 minutes East 750 feet to a point, the northwest corner of the lands herein described; thence South 70 degrees 15 minutes East 2865 feet to a point, the northeast corner of the lands herein described; thence in a southerly direction South 6 degrees 35 minutes West 2120 feet; thence South 19 degrees 00 minutes West 2225 feet; thence South 72 degrees 20 minutes East 360 feet; thence South 21 degrees 10 minutes West 1108 feet; thence South 69 degrees 50 minutes East 410 feet to the point of BEGINNING, containing 962 acres, more or less.

CHAPTER A. LEGISLATIVE

Sec. 3. Governing body. The Government of the town, management and control of all its affairs shall be vested in a town council, hereinafter referred to as

"Council", which shall be elected and shall exercise its powers in the manner herein provided, except the administrative authority hereinafter specified in Section 15.

Sec. 4. Number, election and terms. The council shall consist of seven (7) members, six (6) councilmen plus the mayor, who shall be elected at large by and from the qualified voters of the town, to serve for terms of two years or until their successors are duly elected and qualified.

Sec. 5. Power and organization. All the legislative powers of the town shall be vested in the council. The council elected as aforesaid shall meet at ten o'clock in the forenoon on Wednesday after the first Monday in May in the year of one thousand nine hundred and sixty-three (1963), and biennially thereafter, and the members of the council whose terms of office then begin shall severally make oath before the town clerk or justice of the peace to perform faithfully the duties of their respective offices. The council shall thereupon be organized by the choice from its members of a mayor pro tem, who shall hold his office during the pleasure of the council. The organization of the council shall take place as aforesaid, notwithstanding the absence, death, refusal to serve, or nonelection of one or more of the members; provided, that at least four (4) of the persons entitled to be members of the council are present and make oath as aforesaid. Any member entitled to make the aforesaid oath, who was not present at the time fixed therefor, may make oath at any time thereafter. A certificate that such oath has been taken shall be entered on the journal of the council.

Sec. 6. Oath. The mayor, councilmen, and every other officer of the town, before entering upon the duties of his or their office, shall take, subscribe and file with the clerk the following oath of office:

"I, ..... do solemnly swear (or affirm) that I will support and defend the Constitution of the United States, and the Constitution and Laws of North Carolina not inconsistent therewith, and I will faithfully perform the duties of the office of ..... on which I am about to enter, according to my best skill and ability. So help me, God."

"Subscribed and sworn before me this ..... day of ..... 19 ....."

Sec. 7. Meetings regulated. The council shall fix suitable times for its regular meetings. The mayor, the mayor pro tem of the council, or any three (3) members thereof, may at any time call a special meeting by causing a written notice, stating the time of holding such meeting and signed by a person or persons calling the same, to be delivered in hand to each member or left at his usual dwelling place at least six (6) hours before the time of such meeting. Meetings of the council may also be held at any time when all the members of the council are present and consent thereto.

Sec. 8. Quorum and conduct of business. A majority of the members of the council shall constitute a quorum. Its meetings shall be public, and the mayor, who shall be the official head of the town, shall, if present, preside and shall have the same power as the other members of the council to vote upon all measures coming before it, but shall have no power of veto. In the absence of the mayor, the mayor pro tem of the council shall preside, and in the absence of both, a chairman pro tempore shall be chosen. The town clerk shall be ex officio clerk of the council, and shall keep records of

its proceedings; but in case of his temporary absence, or in case of a vacancy in the office, the council may elect by ballot a temporary clerk, who shall be sworn to the faithful discharge of his duties, and may act as clerk of the council until a town clerk is chosen and qualified. On request of one member, the vote shall be by yeas and nays, and shall be entered upon the records. Four affirmative votes at least shall be necessary for the passage of any order, ordinance, resolution or vote.

Sec. 9. Vacancies. Vacancies in the council shall be filled by the council for the remainder of the unexpired terms.

Sec. 10. Election of mayor. The mayor shall be elected by and from the qualified voters of the town and shall hold office during the term for which he has been elected to the council. In case of a vacancy in the office of mayor, the remaining members of the council shall choose from the qualified voters of the town his successor for the unexpired term.

Sec. 11. Salaries of mayor and council. The mayor shall receive for his services such salary as the council shall by ordinance determine not exceeding one thousand eight hundred dollars \$(1,800.00) per annum. His salary shall not be increased or diminished during the term for which he is elected; the council may, by vote of not less than four (4) members, taken, by call of yeas and nays, establish a salary for its members not exceeding four hundred dollars (\$400.00) a year for each. Such salaries may be reduced, but no increase therein shall be made to take effect during the year in which the increase is voted.

Sec. 12. Election of treasurer; salary. The mayor and council may elect from their membership a treasurer by the method outlined above and in addition to the salary allowed as member of council, such treasurer may be paid for his services as treasurer not exceeding nine hundred dollars (\$900.00) per annum.

Sec. 13. Power and responsibility of the council. The council shall provide for proper administration of the town government by appointment of such officers and employees as the council shall determine are necessary for the proper administration of the town government and see that within the town the laws of the State and the ordinances, resolutions, and regulations of the council are faithfully executed; said officers and employees shall serve at the pleasure of the council.

The council shall have sole authority to appoint and remove the following employees: the town attorney or attorneys; town clerk; chief fire department; chief police department, and the director of Civil Defense.

Sec. 14. Appropriations. All appropriations and disbursements of the town's funds shall be made pursuant to the Municipal Fiscal Control Act or General Statutes as they now exist or are hereafter amended, except the following local modifications: All valid checks issued on the Town of Louisburg, North Carolina, shall be countersigned by its mayor; no warrant or order for the disbursement of over fifty dollars (\$50.00) from any appropriation provided for in the annual budget shall be honored, except by a final approval made by a majority of the qualified members of the council at a public meeting, except salaries and contracts duly made by and through the council.

CHAPTER B. GENERAL ADMINISTRATION  
ARTICLE I. TOWN ADMINISTRATOR

Sec. 15. Town administrator appointed. The council shall appoint a town administrator. The said administrator shall serve at the pleasure of the council. A nonresident citizen may be appointed town administrator. In addition to the duties hereinafter defined, the town administrator may by and through an ordinance or resolution duly adopted by the council, be delegated to and vested with any or all of the powers and responsibility imposed on the council by and through Section 13 of this Charter, with the following exception. The council shall have sole authority to appoint and remove the following employees: The town attorney or attorneys; town clerk; chief of fire department and chief of police department, and the director of Civil Defense. The town administrator shall be administrative head of and supervisor over all departments and he shall see that the town's properties, equipment, supplies are accounted for and protected to his best skill and ability. He shall keep the council fully advised relative to all department needs present and future.

## ARTICLE II. BOARD OF ALCOHOLIC CONTROL

Sec. 16. Board continued; powers; operation; net profits. The Town of Louisburg Board of Alcoholic Control is hereby continued under this Charter and shall consist of three members who shall be well-known for their character, ability, and business acumen. The council shall appoint the members of said board for three-year overlapping terms and shall designate one of the members as chairman. Their successors, or any vacancy occurring in the board, shall be named or filled by the council.

The Town of Louisburg Board of Alcoholic Control shall have all the powers and duties imposed by Section 18-45 of the General Statutes on county boards of alcoholic control and shall be subject to the powers and authority of the State Board of Alcoholic Control the same as county boards of alcoholic control as provided in Section 18-39 of the General Statutes.

The Town of Louisburg Board of Alcoholic Control' and the operation of any town liquor store authorized under the provisions of this Charter shall be subject to and in pursuance with the provisions of Article 3 of Chapter 18 of the General Statutes, except to the extent which the same may be in conflict with the provisions of this Charter. Wherever the word "County" board of alcoholic control appears in Article 3 of Chapter 18 of the General Statutes, it shall include the Town of Louisburg Board of Alcoholic Control.

The net profits derived from the operation of liquor control stores in the Town of Louisburg shall be turned over to the town general fund and subject to appropriation by the council, which may appropriate any or all of said funds for any town governmental purpose.

Sec. 17. Subsequent elections. The Council of the Town of Louisburg may on its own motion ' and shall upon a petition to said council signed by at least fifteen per cent (15%) of the registered and qualified voters of the municipality, order an election to be held on the question of whether or not a town liquor control store may be operated in the Town of Louisburg and if a majority of the votes cast in such election shall be for the operation of such a store, it shall be legal for a liquor control store to be operated in said town, but if a majority of the votes cast in said election shall be against the

operation of a town liquor control store, no such store shall be operated in said town under provision of this Charter.

In calling for such special liquor election, the council shall give at least twenty days public notice of the same prior to the opening of the registration books, and said registration books shall remain open for the same period of time before such special liquor election as is required by law for them to remain open for a regular election. A new registration of voters for such special liquor election shall not be necessary and all qualified electors who are properly registered prior to registration for the special elections and those who register in said special liquor election shall be entitled to vote in said election. In said election a ballot shall be used upon which shall be printed on separate lines for each proposition, "FOR TOWN LIQUOR CONTROL STORE", "AGAINST TOWN LIQUOR CONTROL STORE" Those favoring operation of a liquor control store in the Town of Louisburg shall mark in the voting square to the left of the words "FOR TOWN LIQUOR CONTROL STORE" printed on the ballot, and those opposed to a town liquor control store shall mark in the voting square to the left of the words "AGAINST TOWN LIQUOR CONTROL STORE." Except as otherwise herein provided, the special election authorized shall be conducted under the same statutes, rules and regulations applicable to elections for members of the General Assembly.

If a subsequent election shall be held and at such election, a majority of the votes shall be cast "AGAINST TOWN LIQUOR CONTROL STORE", the town liquor control board shall within three months from the canvassing of such votes and the declaration of the result thereof, close said store and shall thereafter cease to operate the same, and within said three months the town control board shall dispose of all alcoholic beverages on hand, all fixtures and all other property in the hands and under the control of said board, and convert the same into cash and turn the same over to the town treasurer. Thereafter, all Public, Public-Local, and Private Laws applicable to the sale of intoxicating beverages within the Town of Louisburg in force and effect prior to the authorization to operate a town liquor store shall be in full force and effect the same as if such election had not been held until and unless another election is held under the provisions of this Article in which a majority of the votes shall be cast "FOR TOWN LIQUOR CONTROL STORES." No election shall be called and held in the Town of Louisburg under the provisions of this Charter within three years from the holding of the last election thereunder. It shall be the duty of the Council of the Town of Louisburg to order the special liquor election herein authorized within sixty (60) days after a sufficient petition has been filed requesting the same. But no election under this Charter shall be held on the day of any biennial, county or Town of Louisburg general election or primary election, or within thirty (30) days of any such election.

#### CHAPTER C. ELECTIONS

Sec. 18. Time of elections. Regular biennial elections of municipal officers under this Charter shall be held on Tuesday after the first Monday in May of odd-numbered years, beginning in 1963.

Sec. 19. General laws govern. Said elections shall be held pursuant to the general State laws governing elections of municipal officers.

## CHAPTER D. FINANCIAL

Sec. 20. Taxes, general authority to levy. For the purpose of raising revenue for defraying expenses incident to the proper government of the town, the council may annually levy and collect an ad valorem tax on all taxable property within the town at the rate and in the manner now or hereafter prescribed by law. In addition, the council may annually levy and collect any and all other municipal taxes, at the rates and in the manner, now or hereafter authorized or prescribed by law.

Sec. 21. Ad valorem and poll taxes; due date. All taxes assessed or levied under Chapter 310 of the Public Laws of 1939, as amended, shall be due and payable on the first Monday of October of the year in which they are assessed or levied.

Sec. 22. Ad valorem and poll taxes; discounts. In lieu of the schedule of discounts provided by Section 1403 of Chapter 310 of the Public Laws of 1939, the discounts on poll and property taxes assessed or levied by the Town of Louisburg shall be as follows:

(a) If taxes are paid on or before July first of the year in which they become due and payable, or at any time during the months of August, September and October of the year in which they become due and payable, there shall be deducted a discount of two percent of the amount of such taxes.

(b) If such taxes are paid at any time during the month of November of the year in which they become due and payable, there shall be deducted a discount of one percent of the amount of such taxes.

(c) After the thirtieth day of November and on or before the first day of February next after they become due and payable, taxes assessed or levied by the Town of Louisburg shall be paid at par or face value.

Sec. 23. Ad valorem and poll taxes; penalties. In lieu of the schedule of penalties provided by Section 1403 of Chapter 310 of the Public Laws of 1939, the penalties on poll and property taxes assessed or levied by the Town of Louisburg shall be as follows:

(a) There shall be added to taxes assessed or levied by the Town of Louisburg which are not paid until after February first, next after they become due and payable, a penalty of one percent of the amount of such taxes for each month or fraction of month after said date of February first in which such taxes remain unpaid until the amount of such penalties shall aggregate six percent.

(b) Thereafter, in addition to the penalties stated above, a penalty of one-half of one percent of the principal amount of such taxes shall be added each month or fraction of month until such taxes are paid, which shall continue to accrue on taxes not included in a certificate of sale and which, on taxes included in a certificate of sale, shall continue to accrue until the date of such certificate.

Sec. 24. Ad valorem and poll taxes; interest. In lieu of the interest rate provided by Section 1716 of Chapter 310 of the Public Laws of 1939, tax sale certificates issued to purchasers of tax liens for poll and property taxes assessed or levied by the Town of Louisburg, shall bear interest from the date of such certificates at the rate of six percent per annum on so much of the purchase price of such tax sale

certificates as represents the amount of taxes, penalties to the date of sale, and the cost of advertising and sale.

#### CHAPTER E. MAYOR'S COURT

Sec. 25. Mayor's court; jurisdiction. The Mayor of the Town of Louisburg, pursuant to G. S. 160-13, is hereby constituted an inferior court, and as such court, such mayor shall be a magistrate and conservator of the peace, and within the corporate limits and the territory within one mile beyond said corporate limits, shall have the jurisdiction of a justice of a peace in all criminal matters arising under the laws of the State, or under the ordinances of the town.

Sec. 26. Mayor to issue process. The mayor may issue criminal process to the chief of police or to the town police, or to any other officer in the County of Franklin to whom a justice of the peace may issue similar process and in the same manner and to the same extent as a justice of the peace.

Sec. 27. Policemen's jurisdiction. Policemen of the Town of Louisburg shall have the same authority to make arrests and to execute criminal process, within the corporate limits and the territory within one mile beyond said corporate limits, as is vested by law in a sheriff.

Sec. 28. Clerk of Court; process. The Town Clerk of the Town of Louisburg shall also serve ex officio as Clerk of the Mayor's Court of the Town of Louisburg and by virtue of his office the said clerk is hereby authorized to issue warrants, search warrants, and all other process returnable to the said Mayor's Court, the same as the Mayor of Louisburg is now authorized to issue.

Sec. 29. Deputy or assistant clerks; process. The governing body of the Town of Louisburg is hereby authorized to appoint one or more deputy or assistant clerks of the Mayor's Court of the Town of Louisburg, each of whom shall be authorized and empowered to issue warrants, search warrants, and all other process returnable to the said court, as the clerk of said court is authorized to issue by virtue of Section 28 of this Charter.

Sec. 30. Chief of police to attend court. It shall be the duty of the chief of police to attend upon the Mayor's Court; to collect such fines, penalties and forfeitures as may be imposed, of which he shall keep an exact record in a separate book, showing the name and residence of the offender, the nature of the offense, the date of the hearing thereon before the mayor, the amount of the fine, penalty or forfeiture imposed, the date of its collection, and the date of payment thereof by the chief of police to the treasurer, and the signature of the treasurer on the last column and same line of each such entry shall be the only sufficient voucher of the chief of police for such payment in each case.

Sec. 31. Violators imprisoned in county jail. Any person imprisoned by the mayor may be placed in the county jail of Franklin County for safekeeping.

#### CHAPTER F. STREETS AND SIDEWALKS

Sec. 32. Streets; establishment of proposed street lines. Whenever, in the opinion of the council, it is for the best interest of the town that any street should be widened or extended, or both, or that a new street should be opened, the council may pass an ordinance declaring that such street should be widened or extended, or both, or that such new street should be opened, and shall lay out in the ordinance the lines within

which such street should be widened, extended or opened. If any street under the provision of such ordinance is to be widened, it need not be widened on both sides; and if it is to be widened on both sides, the distance to be widened on both sides need not be the same. Any ordinance introduced for the purpose of widening, extending or opening any street under the provisions of this Chapter, may not be adopted until the proposed ordinance is published in a newspaper published in the town and qualified to carry legal notices at least two times, on separate days at least ten days before the passage of the ordinance, or, if there be no such newspaper, posted in three public places in the town. There shall be posted or published with the ordinance a notice stating when property owners may be heard by the council. A public hearing on the question of the adoption of such ordinance shall be held prior to the passage of the ordinance,

Sec. 33. Notice to town required before improvement. After the passage of such ordinance, it shall be unlawful for any land within the proposed street lines established by such ordinance to be built upon or improved, or for any part of any existing building within said lines to be repaired or otherwise improved until the town shall have first been given an opportunity to purchase or otherwise acquire said property for street purposes as provided in this Charter. To that end, any person proposing to build upon such land or to make repairs or improvements to that part of any existing building situated thereon shall, in writing, notify the council of the nature and estimated cost of such building, repairs, or improvements. The council shall then determine whether it will take the necessary steps to acquire said land prior to the construction of said building or the making of such repairs or improvements, and if it fails within 45 days from date of receipt of said notice to acquire, or to institute condemnation proceedings to acquire said property, the owner or other person giving such notice may proceed to erect the building in accordance with the ordinances and regulations of the town, or to make the repairs or improvements described in said notice.

Sec. 34. Failure to give notice bars recovery. If any person, firm or corporation builds upon any land included within proposed street lines, or repairs or otherwise improves that part of any existing building within proposed street lines without giving the town an opportunity to acquire said land free from said improvements, as provided in the preceding Section, the town shall not be required to pay for the value of the building, repairs, or improvements in any proceeding subsequently brought to acquire said land for the purpose set out in said Section.

Sec. 35. Acquisition of land. If upon receiving any notice in compliance with Section 33 of this Charter, the council determines to acquire said land immediately, it may acquire the same by grant, purchase, or condemnation. In no case shall an effort to purchase said land be necessary to the institution of condemnation proceedings. If the council determines to proceed by condemnation, the condemnation shall be as set forth in the general law, Chapter 40 of the General Statutes of North Carolina.

Sec. 36. Cost of land acquired for street improvement to be assessed as part of improvement. After any land has been purchased or condemned for the purpose of widening, extending, or opening any street, and the land purchased or condemned lies within the limits of an improvement directed in said proceeding then the amount paid by the town for the land purchased or condemned, together with the cost of the

condemnation proceeding and interest on said amount paid and costs at the rate of six percent per annum from the date of payment, shall be included in the cost of said improvement and shall be assessed as provided by law against the property to be assessed for the improvements.

Sec. 37. Exercise of condemnation after failure to condemn following notice. The failure of the town to acquire any land within 45 days after receiving notice that the same is to be built upon, or that a building thereon is to be repaired or otherwise improved, or its failure within said time to institute proceedings to condemn the same, shall not limit the right of the town at any subsequent time to condemn the same; but, in such case, the owner shall be entitled to compensation. as now provided by law for the building, repairs or improvements made after the giving of the required notice and the failure of the town to acquire said land free of said improvements.

Sec. 38. Sidewalks; construction and repair; assessments and liens against abutting land owner. When there is no sidewalk and has never been any in existence in convenient walking order along any lot in said town, the owner may be required to pay such proportion of the expense of making a sidewalk along such lot as three disinterested assessors, freeholders of said town, to be appointed by the council, may estimate that the property is enhanced in value by such improvement: Provided, that the owner shall have the privilege of building said sidewalk along his lot immediately and in the manner prescribed by the council, instead of paying the amount with which he has been assessed, and if the owner of such lot shall neglect or refuse to put down said sidewalk when directed to do so by the council, and shall refuse or neglect to pay the amount so assessed against him to the treasurer of the town, said sidewalk shall be made by the town and the amount assessed against the owner of such lot shall be a lien on the same, and if not paid on demand, so much of said lot shall be sold as may be sufficient to pay said assessment and the costs, under the same rules and regulations, rights of redemption and savings as are prescribed for unpaid taxes. Before making such assessment the assessors shall appoint a time and place of meeting, and shall give at least three days' notice thereof to all parties interested, stating the purposes of such meeting, and after being duly sworn by the mayor or other competent person they shall proceed to make the assessment and report the same to the mayor in writing: Provided, however, that either party may appeal to the Superior Court of Franklin County, where all questions of amount of assessment and other issues and questions of fact shall be tried by a jury under the direction of the judge, but the council, notwithstanding the appeal, may proceed with the work. The owner of a lot which shall front on a street on which a sidewalk has been established shall repair or improve said sidewalk in such manner as the council may direct, as far as it extends along such lot; and upon failure to do so immediately upon notice of the council to such owners, then after advertisement at the courthouse door and upon the said lot for five days, the council may cause the same to be repaired in such manner and with material as to them may seem proper, and the expenses shall be paid by the person in default, and said expenses shall be a lien upon said lot, and if not paid on demand, such lot or so much thereof as is necessary shall be sold by the collector of taxes to pay expenses and costs of sale under the same

rules, regulations and restrictions, rights of redemption and savings as are prescribed for sale of land for unpaid taxes.

#### CHAPTER G. MISCELLANEOUS

Sec. 39. Notice of injury before suit against town. No action for damages against the Town of Louisburg of any character whatever, to either person or property, shall be instituted unless within ninety (90) days after the happening or infliction of the injury complained of, the complainant, his executors or administrators, shall have given notice to the town council of such injury in writing, stating in such notice the date and place of the happening or infliction of such injury, the manner of such injury, the character of the injury and the amount of damages claimed therefor; but this , shall not prevent any time of limitation prescribed by law from commencing to run at the date of the happening or infliction of such injury, or in any manner interfere with its running.

Sec. 40. General Laws apply. All questions arising in the administration of the government of the Town of Louisburg and not provided for in this Charter shall be governed by the laws of the State, and nothing in this Charter shall be deemed as limiting any powers given to municipal corporations by the Constitution and Laws of North Carolina.

Sec. 41. Effect of Act. This Act shall not affect any litigation, actions or proceedings pending or commenced at the time this Act shall take effect. All contracts entered into by the town, or for its benefit, prior to the effective date of this Act, shall continue in full force and effect. No offenses committed and no penalties or forfeitures incurred under any Acts hereby repealed and before the time when such repeal shall take effect, shall be affected by such repeal. No law heretofore repealed shall be revived by the repeal of any Act repealing such law.

Sec. 42. Inconsistent laws repealed. All laws and clauses of laws relating to or affecting the Town of Louisburg in force when this Act shall take effect are hereby repealed and superseded to the extent that the same are inconsistent with the provisions of this Act.

Insofar as the provisions of this Act are the same in terms or in substance and effect as provisions of law in force when this Act shall take effect, relating to or affecting the Town of Louisburg, the provisions of this Act are intended to be not a new enactment but a continuation of such provisions of law, and this Act shall be so construed and applied.

Sec. 43. Charter subject to approval of voters at special election. This Charter as set forth herein shall not be in force or effect unless approved by a majority of the qualified voters of the Town of Louisburg voting at a special election to be held on or before the first day of October 1961, in accordance with the law of the State applicable to municipal elections.

At the time such special election is held as provided for herein, those voters who are in favor of a new, revised and consolidated Charter as set out in this Act shall vote a ballot upon which shall be printed the words "FOR A NEW, REVISED AND CONSOLIDATED TOWN CHARTER" and those voters who are opposed to a new, revised and consolidated Charter as set out in this Act shall vote a ballot upon which

shall be printed the words "AGAINST A NEW, REVISED AND CONSOLIDATED TOWN CHARTER."

If at such special election a majority of the votes cast shall be "FOR A NEW, REVISED AND CONSOLIDATED TOWN CHARTER," this Act shall be in full force and effect from and after the date of the declaration of the results thereof. Provided, the number of members of the town council and the method of electing the mayor as provided for in Section 4 of this Act shall not be effective until the next regular municipal election to be held in the Town of Louisburg in the year 1963.

If at such special election as provided for herein a majority of the votes cast shall be "AGAINST A NEW, REVISED AND CONSOLIDATED CHARTER", this Charter as set forth in this Act shall be null and void. In that event, the Charter of the Town of Louisburg, all amendments thereto and all other special acts pertaining to the Town of Louisburg which were in effect on the date of ratification of this Act shall continue to be in full force and effect and as such shall constitute the Charter of the Town of Louisburg

Sec. 44. If any part of this Act shall be held to be unconstitutional, such unconstitutionality shall not affect the validity of the remaining parts of this Act, the General Assembly expressly declares that it would have passed the remaining parts of this Act if it had known that such part or parts thereof would be declared unconstitutional.

Sec. 45. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 46. 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.