

# **Charter Changes by Ordinance**

**2017 Clerks Certification Institute**

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## **Handout Materials**

**Charter Amendment by Ordinance -  
Procedures and Forms (NCLM 02/15)**

**Forms for Adopting the Council-Manager  
Form of Government (NCLM 02/15)**



## General Law - Chapter 160A

“General law” means an act of the General Assembly applying to all units of local government, to all cities, or to all cities within a class defined by population or other criteria, including a law that meets the foregoing standards but contains a clause or section exempting from its effect one or more cities or all cities in one or more counties. - G.S. 160A-1(4)

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**NC LEAGUE**  
OF MUNICIPALITIES

## Local Act - Chapter 160A

“Local Act” means an act of the General Assembly applying to one or more specific cities by name, or to all cities within one or more specifically named counties. The term is interchangeable with the terms “special act,” “public-local act,” and “private act.” - G.S. 160A - 1(5)

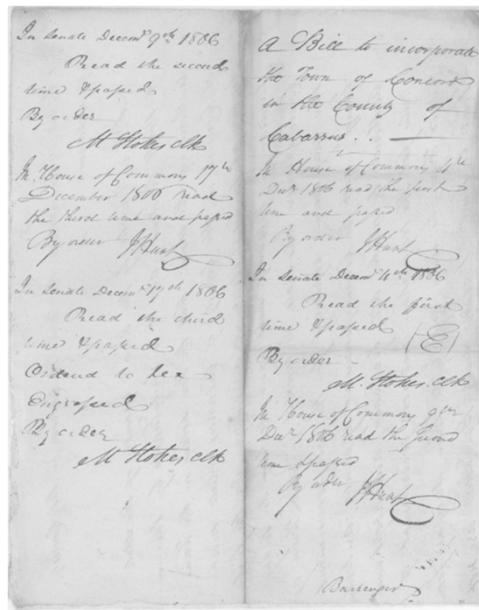
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**NC LEAGUE**  
OF MUNICIPALITIES

# Charter

“Charter” means the entire body of local acts currently in force applicable to a particular city, including articles of incorporation issued to a city by an administrative agency of the State, and any amendments thereto adopted pursuant to 1917 Public Laws . . . , or Article 5, Part 4 of this Chapter .

- G.S. 160A-1(1)



*A Bill to incorporate the Town of Eastover in the County of Calamus.*

*Be it Enacted by the General Assembly of the State of North Carolina; and it is hereby enacted by the Authority of the same: that the Freeholders in the Town of Eastover in the County of Calamus shall meet together at the Court House in said Town on the first Sunday in February ~~1827~~ <sup>in and a Court 1827</sup> and electing as many Commissioners who shall be residents in said Town; as they may deem expedient for the good government thereof: and the Commissioners so appointed, are hereby authorized to make all bye Laws, and adopt such rules for the regulation and good government of said Town, as may appear to them necessary from time to time: Provided such Bye Laws are not repugnant to the Laws or Constitution of this State....*

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2007

SESSION LAW 2007-267  
HOUSE BILL 1191

AN ACT TO INCORPORATE THE TOWN OF EASTOVER.

The General Assembly of North Carolina enacts:

SECTION 1. A Charter for the Town of Eastover is enacted to read:

"CHARTER OF THE TOWN OF EASTOVER.

"ARTICLE I. INCORPORATION AND CORPORATE POWERS.

"Section 1.1. Incorporation and Corporate Powers. The inhabitants of the Town of Eastover are a body corporate and politic under the name 'Town of Eastover'. The Town of Eastover has all the powers, duties, rights, privileges, and immunities conferred and imposed on cities by the general laws of North Carolina.

"ARTICLE II. CORPORATE BOUNDARIES.

"Section 2.1. Town Boundaries. Until modified in accordance with law, the boundaries of the Town of Eastover are as follows:

Beginning at a point, said point being the intersection of the southeast corner of parcel 0458-43-9229 and the western right-of-way of Dobbin Holmes Rd., thence approximately 936 feet in a southwesterly direction with the southern boundary of said parcel, to the southeast corner of parcel 0458-32-9686, thence approximately 1590 feet in a southwesterly direction with the southern boundary of said parcel, thence approximately 535 feet in a northwesterly direction with the boundary of said parcel, thence approximately 276 feet in a southwesterly direction with the boundary of said parcel, thence approximately 1178 feet in a northeasterly direction with the boundary of said parcel, thence approximately 90 feet in a northwesterly direction along the right-of-way of Terrell Creek Rd. to the southeast corner of parcel 0458-34-7125, thence approximately 180 feet in a northwesterly direction along the boundary of said parcel to the southeast corner of parcel 0458-24-6320, thence approximately 685 feet in

"ARTICLE III. GOVERNING BODY.

"Section 3.1. **Structure of Governing Body; Number of Members.** The governing body of the Town of Eastover is the Mayor and the Town Council, which shall have six members.

"Section 3.2. **Temporary Officers.** Until the organizational meeting after the initial election in 2007 provided for by Section 4.1 of this Charter, Charles G. McLaurin is hereby appointed Mayor and Benny Pearce, Sara Piland, Rupert Tatum, Jr., Lawrence Buffaloe, Cheryl Hudson, and Willie Geddie are appointed council members of the Town of Eastover, and they shall possess and exercise the powers granted to the governing body until their successors are elected or appointed and qualified pursuant to this Charter. The temporary officers shall elect one of their members to serve as Mayor Pro Tempore until the organizational meeting after the initial election in 2007. If any person named in this section is unable to serve, the remaining temporary officers shall, by majority vote, appoint a person to serve until the initial municipal election is held in 2007.

"Section 3.3. **Manner of Electing Town Council; Term of Office.** The qualified voters of the entire Town shall elect the members of the Town Council and, except as provided in this section, they shall serve four-year terms. In 2007, the three candidates receiving the highest numbers of votes shall be elected to four-year terms and the three candidates receiving the next highest numbers of votes shall be elected to two-year terms. In 2009, and quadrennially thereafter, three members shall be elected to four-year terms. In 2011, and quadrennially thereafter, three members shall be elected to four-year terms. To be eligible for election to the Town Council, an individual must reside in the Town of Eastover. Vacancies on the Town Council shall be filled in accordance with G.S. 160A-63.

"Section 3.4. **Manner of Electing Mayor; Term of Office; Duties.** The qualified voters of the entire Town shall elect the Mayor. In 2007, and biennially thereafter, the Mayor shall be elected for a term of two years. The Mayor shall attend and preside over meetings of the Town Council, shall advise the Town Council from time to time as to matters involving the Town of Eastover, and shall have the right to vote as a member of the Town Council on all matters before the Council, but shall have no right to break a tie vote in which the Mayor has participated.

"Section 3.5. **Manner of Electing Mayor Pro Tempore; Term of Office; Duties.** The Mayor Pro Tempore shall be elected from among the members of the Town Council at the organizational meeting after the initial election in November 2007, and shall serve for a term of two years. The Mayor Pro Tempore shall act in the absence or disability of the Mayor. If the Mayor and Mayor Pro Tempore are both absent from a meeting of the Town Council, the members of the Town Council present may elect a temporary chair to preside in the absence. The Mayor Pro Tempore shall have the right to vote on all matters before the Town Council and shall be considered a member of the Town Council for all purposes.

"Section 3.6. **Compensation of Mayor and Town Council.** The Mayor and members of the Town Council shall be reimbursed for ordinary and necessary expenses.

"ARTICLE IV. ELECTIONS.

"Section 4.1. **Conduct of Town Elections.** Elections shall be conducted on a nonpartisan basis and results determined by a plurality as provided in G.S. 163-292.

"Section 4.2. **Date of Election.** Elections shall be conducted in accordance with Chapter 163 of the General Statutes.

"Section 4.3. **Special Elections and Referenda.** Special elections and referenda may be held only as provided by general law or applicable local acts of the General Assembly.

"ARTICLE V. ADMINISTRATION.

"Section 5.1. **Form of Government.** The Town shall operate under the Council-Manager plan as provided in Part 2 of Article 7 of Chapter 160A of the General Statutes.

"Section 5.2. **Town Manager; Appointment; Power and Duties.** The Town Council shall appoint a Town Manager who shall be responsible for the administration of all departments of the Town government, except as otherwise directed by the Town Council. The Town Manager shall have all the powers and duties conferred by general

law, except as expressly limited by the provisions of this Charter, and the additional powers and duties conferred by the Town Council, so far as authorized by general law.

"Section 5.3. **Town Manager's Authority Over Personnel; Role of Elected Officials.** As chief administrator of the Town, the Town Manager shall have the power to appoint, suspend, and remove all Town officers, department heads, and employees, except the Town Attorney, Town Clerk, and any other official whose appointment or removal is vested in the Town Council by this Charter or by general law. Neither the Town Council nor any of its members shall take part in the appointment or removal of officers or employees in the administrative service of the Town of Eastover, except as provided by this Charter. Except for purposes of inquiry, or for consultation with the Town Attorney, the Town Council and its members shall deal with Town employees solely through the Town Manager or Acting Town Manager, and neither the Town Council nor any of its members shall give any specific orders to any subordinates of the Town Manager or Acting Town Manager, either publicly or privately.

"Section 5.4. **Town Attorney.** The Town Council shall appoint a Town Attorney licensed to practice law in North Carolina. It shall be the duty of the Town Attorney to represent the Town, advise Town officials, and perform other duties required by law or as the Town Council may direct.

"Section 5.5. **Town Clerk.** The Town Council shall appoint a Town Clerk to keep a journal of the proceedings of the Town Council, to maintain official records and documents, to give notice of meetings, and to perform such other duties required by law or as the Town Council may direct.

"Section 5.6. **Other Administrative Officers and Employees.** The Town Council may authorize other offices and positions and appoint persons to fill the offices and positions, or the Council may authorize the offices and positions to be filled by appointment by the Town Manager. The Town Council may organize the Town government as deemed appropriate, subject to the requirements of general law.

"Section 5.7. **Consolidation of Functions.** Where positions are not incompatible, the Town Council may combine in one person the powers and duties of two or more officers created or authorized by this Charter.

"ARTICLE VI. TAXES AND BUDGET ORDINANCE.

"Section 6.1. **Powers of the Town Council.** The Town Council may levy those taxes and fees authorized by general law. An affirmative vote equal to a majority of all the members of the Town Council shall be required to change the ad valorem tax rate from the rate established during the prior fiscal year.

"Section 6.2. **Budget.** From and after July 1, 2007, the citizens and property in the Town of Eastover shall be subject to municipal taxes levied for the year beginning July 1, 2007, and for that purpose the Town shall obtain from Cumberland County a record of property in the area herein incorporated which was listed for property taxes as of January 1, 2007. The Town may adopt a budget ordinance for fiscal year 2007-2008 without following the timetable in the Local Government Budget and Fiscal Control Act, but shall follow the sequence of actions in the spirit of the act insofar as is practical. For fiscal year 2007-2008, ad valorem taxes may be paid at par or face amount within 90 days of adoption of the budget ordinance and thereafter in accordance with the schedule in G.S. 105-360 as if the taxes had been due and payable on September 1, 2007.

"ARTICLE VII. ORDINANCES.

"Section 7.1. **Ordinances.** Except as otherwise provided in this Charter, the Town of Eastover is authorized to adopt such ordinances as the Town Council deems necessary for the governance of the Town.

"ARTICLE VIII. MISCELLANEOUS.

"Section 8.1. **Conflicts of Interest.** No person, or a member of the person's immediate family, who is employed by or is an official of the Town of Eastover, shall do business with the Town unless the activity is approved by the Town Council. All appointed officials of the Town shall inform the Town Council of any conflicts of interest, and the failure to so inform shall constitute grounds for immediate dismissal for cause. No official of the Town may accept any gratuity from any business, person, or other official if the gratuity is related to his or her official duties.

"Section 8.2. **Enlargement of Town Council.** The qualified voters of the Town of Eastover may seek to enlarge the number of members of the Town Council by submitting a petition to that effect signed by twenty percent (20%) of the qualified voters. Upon passage of a resolution as provided in G.S. 160A-102 or upon receipt of a valid petition, the Town Council shall immediately take steps as provided in Part 4 of Article 5 of Chapter 160A of the General Statutes to determine by referendum whether the number of members of the Town Council should be increased. If a majority of the votes cast in the referendum are in the affirmative, a special election shall be held at the earliest possible date to elect the additional members required to enlarge the Town Council to the number set forth in the referendum.

"Section 8.3. **Amendments to Charter.** The Town Council may propose and enact amendments to this Charter in accordance with Part 4 of Article 5 of Chapter 160A of the General Statutes. No amendment to this Charter shall become effective until public notice is given and a public hearing is held to receive comments on the proposed Charter amendment. Notwithstanding G.S. 160A-103, upon receipt of a referendum petition bearing the signatures and residence addresses of twenty percent (20%) of the qualified voters of the Town, the Town Council shall submit ordinances adopted under G.S. 160A-102 to a vote of the people.

"Section 8.4. **Provision of Services and Administration of Functions.** The Town Council may enter into agreements with other governmental bodies and private enterprises for the provision of services and the administration of corporate functions in order to provide the services and administer the functions in the most efficient and cost-effective manner.

"Section 8.5. **Sales Tax Reimbursement.** The Town of Eastover shall comply with the terms of the Sales Tax Interlocal Agreement between Cumberland County and the municipalities within Cumberland County with regard to the Town of Eastover's incorporation until the Agreement expires on June 30, 2013, or the Agreement is terminated, whichever occurs first.

"ARTICLE IX. SPECIAL PROVISIONS.

"Section 9.1. **Fire Protection.** The Town of Eastover may contract with the Eastover Volunteer Fire Department, Inc., and the Vander Volunteer Fire Department, Inc., to provide fire protection for the Town. The contract terms and the amount paid by the Town of Eastover to the Eastover Volunteer Fire Department, Inc., and the Vander Volunteer Fire Department, Inc., shall be mutually agreed upon and annually renewed by the Board of Directors for the Eastover Volunteer Fire Department, Inc., and the Town Council and the Board of Directors for the Vander Volunteer Fire Department, Inc., and the Town Council."

**SECTION 2.** Section 1 of this act shall become effective only if the Charter of the Town of Eastover is approved under section 5 of the Voting Rights Act of 1965 by the United States Department of Justice. If the Charter is not approved, Section 1 of this act shall have no force and effect.

**SECTION 3.** Upon approval of the Charter by the United States Department of Justice, the Cumberland County Board of Elections, in consultation with the State Board of Elections, shall set and publicize a schedule for the election of Town Officers for the Town of Eastover at the earliest convenient date, but the election shall be held no later than 150 days after the Charter has been approved. The schedule shall include a filing period of two weeks.

**SECTION 4.** The persons named as members of the Interim Board in Section 3.2 of the Charter of the Town of Eastover, as enacted in Section 1 of this act, being Charles G. McLaurin, Benny Pearce, Sara Piland, Rupert Tatum, Jr., Lawrence Buffalo, Cheryl Hudson, and Willie Geddie, shall be responsible for submitting any information required by G.S. 120-30 9F to the Attorney General of the United States.

**SECTION 5.** This act is effective when it becomes law.  
In the General Assembly read three times and ratified this the 26<sup>th</sup> day of July, 2007.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

SESSION LAW 2008-63

HOUSE BILL 2278

AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF ANGIER.

The General Assembly of North Carolina enacts:

**SECTION 1.** The Charter of the Town of Angier is revised and consolidated to read as follows:

**"CHARTER OF THE TOWN OF ANGIER.**

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

"Section 1.1. **Incorporation.** The Town of Angier and the inhabitants thereof shall continue to be a municipal body politic and corporate under the name of the 'Town of Angier,' hereinafter at times referred to as the 'Town.'

"Section 1.2. **Powers.** The Town shall have and may exercise all of the powers, duties, rights, privileges, and immunities conferred upon the Town of Angier specifically by this Charter or upon municipal corporations by general law. The term 'general law' is employed herein as defined in G.S. 160A-1.

"Section 1.3. **Corporate Limits.** The corporate limits shall be those existing at the time of ratification of this Charter, as set forth on the official map of the Town and as they 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 corporate limits pursuant to law, the appropriate changes to the official map shall be made and copies shall be filed in the office of the Secretary of State, the Hamett County Register of Deeds, and the appropriate board of elections.

**"ARTICLE II. GOVERNING BODY.**

"Section 2.1. **Town Governing Body.** The Board of Commissioners, hereinafter referred to as the 'Board,' and the Mayor shall be the governing body of the Town.

"Section 2.2. **Board of Commissioners; Composition; Terms of Office.** The Board shall be composed of four members to serve staggered terms of four years and until their successors are elected and qualified. The Town is divided into single-member wards, and candidates shall reside in and represent the districts according to the apportionment plan adopted, but all candidates shall be elected by all the qualified voters of the Town. A member for each of Wards 1 and 3 shall be selected in 2009 and quadrennially thereafter for a four-year term, and a member for each of Wards 2 and 4 shall be selected in 2011 and quadrennially thereafter for a four-year term. A map of the wards shall be maintained by the Town Clerk's office and filed with the board or boards of elections conducting town elections. Until changed by the Board of Commissioners, the boundaries of the wards on January 1, 2008, shall remain in effect.

"Section 2.3. **Mayor; Term of Office; Duties.** The Mayor shall be elected by all the qualified voters of the Town for a term of four years and until a successor is elected and qualified. The Mayor shall be the official head of the Town government and shall preside at meetings of the Board. The Mayor shall have the right to vote only when there is an equal division on any question or matter before the Board and shall exercise the powers and duties conferred by law or as directed by the Board.

"Section 2.4. **Mayor Pro Tempore.** In accordance with general law, the Board shall elect one of its members to act as Mayor Pro Tempore to perform the duties of the Mayor during his or her absence or disability.

"Section 2.5. **Meetings.** In accordance with general law, the Board shall establish a suitable time and place for its regular meetings. Special and emergency meetings may be held as provided by general law.

"Section 2.6. **Quorum; Voting.** Official actions of the Board and all votes shall be taken in accordance with the applicable provisions of general law, particularly G.S. 160A-75. The quorum provisions of G.S. 160A-74 shall apply.

"Section 2.7. **Compensation; Qualifications for Office; Vacancies.** The compensation, qualifications, and filling of vacancies of the Mayor and Commissioners shall be in accordance with general law.



"ARTICLE III. ELECTIONS.¶

"Section 3.1. **Regular Municipal Elections.** Regular municipal elections shall be held in each odd-numbered year in accordance with the uniform municipal election laws of North Carolina. Elections shall be conducted on a nonpartisan basis and the results determined by a plurality as provided in G.S. 163-292.¶

"Section 3.2. **Election of Mayor.** At the regular municipal election in 2011, and quadrennially thereafter, a Mayor shall be elected to serve a term of four years.¶

"Section 3.3. **Election of Commissioners.** At the regular municipal election in 2009, and quadrennially thereafter, two Commissioners shall be elected to four-year terms. At the regular municipal election in 2011, and quadrennially thereafter, two Commissioners shall be elected to four-year terms.¶

"Section 3.4. **Special Elections and Referenda.** Special elections and referenda may be held only as provided by general law.¶

"ARTICLE IV. ORGANIZATION AND ADMINISTRATION.¶

"Section 4.1. **Form of Government.** The Town shall operate under the council-manager form of government as provided in Part 2 of Article 7 of Chapter 160A of the General Statutes.¶

"Section 4.2. **Town Attorney.** The Town Board shall appoint a Town Attorney licensed to practice law in North Carolina. It shall be the duty of the Town Attorney to represent the Town, advise Town officials, and perform other duties required by law or as the Board may direct.¶

"Section 4.3. **Town Clerk.** The Town Manager shall appoint a Town Clerk to keep a journal of the proceedings of the Board, to maintain official records and documents, to give notice of meetings, and to perform such other duties required by law or as the Board may direct.¶

"Section 4.4. **Tax Collector.** The Town Manager shall appoint a Tax Collector to collect all taxes owed to the Town and perform those duties specified in G.S. 105-350 and such other duties as prescribed by law or assigned by the Board.¶

"Section 4.5. **Other Administrative Officers and Employees.** The Town Board may authorize other positions to be filled by appointment and may organize the Town government as deemed appropriate, subject to the requirements of general law.¶

"ARTICLE V. MISCELLANEOUS.¶

"Section 5.1. **Utility Billing and Termination.** The Town may provide that any fee imposed pursuant to G.S. 160A-314 for the purpose of G.S. 160A-311(2), 160A-311(3), and 160A-311(6) may be billed together in one itemized statement. The board of commissioners may provide by ordinance the order in which partial payments are to be applied among services. In the case of nonpayment within a period of not less than 30 days, the town may terminate any or all such service for which full payment has not been made.¶

"Section 5.2. **Weeded Lot Ordinance.** The Town may notify a violator of the municipality's weeded lot ordinance that if the violator's property is found to be in violation of the ordinance again in the calendar year in which notice is given, the Town shall, without further notice, take action to remedy the violation, and the expense of that action shall be charged to the violator. The notice may also provide that for each additional violation the Town shall charge the violator the expense of the action and a surcharge of up to fifty percent (50%) over the expense to remedy the preceding violation. Notice of violation shall be served by registered or certified mail.¶

**SECTION 2.** The purpose of this act is to revise the Charter of the Town of Angier and to consolidate herein certain acts concerning the property, affairs, and government of the Town.¶

**SECTION 3.(a)** The following acts or portions of acts, having served the purposes for which they were enacted, or having been consolidated into this act, are hereby repealed.¶

- (1) → Chapter 652 of the 1975 Session Laws (current charter).¶
- (2) → Chapter 502 of the 1991 Session Laws, as to the Town of Angier only (utility billing and termination, consolidated in Section 5.1).¶
- (3) → S.L. 2005-308 as to the Town of Angier only (weeded lot ordinance, consolidated in Section 5.2).¶

**SECTION 3.(b)** This act does not affect any of the following acts.¶

- (1) → Chapter 626 of the 1969 Session Laws, as amended (relating to liquor control stores).¶
- (2) → Chapter 144 of the 1971 Session Laws (relating to liquor control stores).¶
- (3) → Chapter 75 of the 1991 Session Laws (relating to liquor control stores).¶
- (4) → S.L. 2002-40 (relating to liquor control stores).¶

**SECTION 4.** No provision of this act is intended, nor shall be construed, to affect in any way any rights or interests (whether public or private).¶

- (1) → Now vested or accrued, in whole or in part, the validity of which might be sustained or preserved by reference to any provisions of law repealed by this act.¶
- (2) → 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.** No law heretofore repealed expressly or by implication, and no law granting authority which has been exhausted, shall be revived by:¶

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

**SECTION 6.** All existing ordinances and resolutions of the Town of Angier and all existing rules or regulations of departments or agencies of the Town of Angier not inconsistent with the provisions of this act shall continue in full force and effect until repealed, modified, or amended.¶

**SECTION 7.** 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 Angier or any of its departments or agencies shall be abated or otherwise affected by the adoption of this act.¶

**SECTION 8.** If any part of this act or the application thereof to any person or circumstance is held to be 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 9.** Whenever a reference is made in this act to a particular provision of the General Statutes and such provision is later amended, repealed, or superseded, the reference shall be deemed amended to refer to the amended General Statute or to the General Statute that most nearly corresponds to the statutory provision amended, repealed, or superseded.¶

**SECTION 10.** This act does not affect the terms of office of the current Mayor and Board of Commissioners of the Town of Angier.¶

**SECTION 11.** This act is effective when it becomes law.¶  
In the General Assembly read three times and ratified this the 7<sup>th</sup> day of July,

2008.¶

¶  
¶

→ s/s Beverly E. Perdue¶  
→ President of the Senate¶

¶  
¶

→ s/s Joe Hackney¶  
→ Speaker of the House of Representatives¶

## How are charters amended?

Generally, by legislative action

For certain types of changes, by ordinance



## Charter Amendment by Ordinance

Options:

Name of the Municipality

Style of the corporation (city/town/village)

Style of the governing body (board/council)

Term of office of governing body members



## Charter Amendment by Ordinance

Options continued:

Number of governing body members

Mode of election (at-large, districts, etc.)

Type of election (partisan, non-partisan plurality, nonpartisan election and runoff, nonpartisan primary and election)



## Charter Amendment by Ordinance

Options continued:

Selection of the mayor

Form of government (mayor-council/council-manager)



## Charter Amendments by Ordinance

### May be initiated by Council

Effective if approved by a vote of the people

Effective without a vote of the people

(but subject to a referendum petition)

### May be initiated by Citizen Petition

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**NC LEAGUE**  
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## Council Initiated Change - 160A-102

Adopt a resolution of intent to consider ordinance amending the charter

At the same time, call a public hearing, the date to be not more than 45 days after adoption of the resolution

Notice of public hearing published at least once not less than 10 days prior to hearing

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**NC LEAGUE**  
OF MUNICIPALITIES

## Council Initiated Change - Continued

The hearing is held and interested persons are afforded the opportunity to be heard

After the hearing, but not earlier than the next regular meeting and not later than 60 days from the date of the hearing, Council may adopt the ordinance



## Procedural Options for Council

### Option One:

Council may make the ordinance effective only if approved by a vote of the people

If so, must by resolution adopted at the same time, call a special election

The election shall be held on the next date permitted under G.S. 163-287(a) that is more than 70 days after adoption of the ordinance



## Footnote on G.S. 163-287(a)

Special elections may be held:

At the same time as any other State or county general election

At the same time as the primary election in any even-numbered year

At the same time as any other election requiring all precincts in the county to be open

At the same time as a municipal general election, if the special election is within the jurisdiction of the municipality only



## Procedural Options for the Council

### Option One Continued

A copy of the resolution calling the election is forwarded to Board of Elections

A notice of the special election is published by both the Council and the Board of Elections

If the ordinance is approved in the election, begin the Implementation Process



## Procedural Options for Council

### Option Two:

Council chooses not to make the ordinance subject to an approving vote of the people

Within 10 days after ordinance adoption, Council publishes a notice stating that the ordinance has been adopted and summarizing its content and effect



## Procedural Options for Council

### Option Two Continued

Ordinance is subject to a referendum petition that must be filed with the clerk not later than 30 days after publication of the notice

If no petition is filed within 30 days, the ordinance becomes effective and the Implementation Process begins





## Referendum Petition - Under Option 2

If a petition is filed, it must contain the signatures and residence addresses of 10% of the total number of registered municipal voters or 5,000 voters, whichever is less

Upon receipt of the petition, the Council calls for a special election to be fixed on a date permitted by G.S. 163-287



## Referendum Petition - Under Option 2

A copy of the resolution calling the election is forwarded to Board of Elections

A notice of the special election is published by the Board of Elections

If the ordinance is approved in the election, begin the Implementation Process



## Citizen Petition Initiated Change -160A-104

Citizens may bring forth proposed charter amendments by initiating a referendum on the proposals by petition

The petition must contain the signatures and residence addresses of 10% of the total number of registered municipal voters or 5,000 voters , whichever is less



## Citizen Petition Initiated Change

The petition must describe the proposed amendments and refer to the pertinent provisions of G.S. 160A-101

The petition may not propose changes in the alternative or more than one integrated set of charter amendments



## Citizen Petition Initiated Change

Upon receipt of a valid petition, the Council calls for a special election to be fixed on a date permitted by G.S. 163-287

A copy of the resolution calling the election is forwarded to Board of Elections

A notice of the special election is published by both the Council and the Board of Elections



## Citizen Petition Initiated Change

If the proposed amendments are approved in the election, the Council must adopt an ordinance amending the Charter to put them into effect

Begin the Implementation Process



## Implementation – Document Results

### Council Initiated Change

If ordinance was effective upon approval by a vote of the people, report outcome of election

If ordinance was effective without a vote of the people, report on whether a referendum petition was filed

If referendum petition was filed, report on the outcome of the election



## Implementation – Document Results

### Citizen Initiated Change

Report the outcome of the election.



## Implementation – Filing

File certified copy with

- I. Land Records Management Section  
Department of Secretary of State
  
- II. Legislative Library  
North Carolina General Assembly



## Implementation Note

Charter changes were previously subject to the preclearance requirements of Section 5 of the federal Voting Rights Act

US Supreme Court held a part of the Voting Rights Act unconstitutional making Section 5 unenforceable





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FORMS OF NORTH CAROLINA CITY GOVERNMENT

- [Current Forms of Government](#)
- [Changing Forms of Government](#)
- [The Charter Change Statute \(PDF\)](#)
- [Charter Change Statute Summary and Commonly Asked Questions](#)

MICROSITE

## Forms of North Carolina City Government

[Overview](#) [Contributors](#)

