

CHARTER

ENACTMENT

§ 1 ENACTMENT.

The Charter of the Town of Aberdeen is hereby revised and consolidated to read as follows:

CHARTER

ARTICLE I
INCORPORATION AND CORPORATE POWERS

§ 1-1 INCORPORATION AND GENERAL POWERS.

The Town of Aberdeen shall continue to be a body politic and corporate under the name of the “Town of Aberdeen,” and shall continue to be vested with all property and rights which now belong to the town; shall have perpetual succession; may have a common seal and alter and renew the same at pleasure; may sue and be sued; may contract, may acquire and hold all such property, real and personal as may be devised, bequeathed, sold or in any manner conveyed or dedicated to it, to otherwise acquired by it, and may from time to time hold, invest, sell or dispose of the same; and shall have and may exercise in conformity with this Charter all municipal powers, functions, rights, privileges and immunities of every name and nature.

§ 1-2 **EXERCISE OF POWERS.**

All powers, functions, rights, privileges and immunities of the town, its officers, agencies or employees, shall be carried into execution as provided by this Charter, if this Charter makes no provision, as provided by ordinance or resolution of the board of commissioners and as provided by the general laws of North Carolina pertaining to municipal corporations.

§ 1-3 **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 herein or implied hereby, or those appropriate to the exercise of such powers, the Town of Aberdeen shall have and may exercise all powers which, under the Constitution of North Carolina, it would be competent for this Charter specifically to enumerate.

CHARTER

ARTICLE II
CORPORATE BOUNDARIES

§ 2-1 **EXISTING CORPORATE BOUNDARIES.**

(A) The corporate limits of the Town of Aberdeen shall be those existing at the time of the ratification of this Charter and as the same may be altered from time in accordance with law. The board of commissioners shall cause to be prepared a map to be designated “Map of the Town of Aberdeen Corporate Limits,” showing the corporate limits as the same may exist as of the effective date of this Charter. The board of commissioners shall also cause to be prepared a written description of the corporate limits as shown on said map to be designated “Description of Aberdeen Corporate Limits.” Said map and description shall be retained permanently in the office of the town clerk as the official map and a description of the corporate limits of the town. Immediately upon alteration of the corporate limits made pursuant to law from time to time the board of commissioners shall cause to be made the appropriate changes and/or additions to said official map and description. Photographic copies or other legible and permanent reproductions of said official map or description certified as by law providing for the certification of ordinances shall be admissible into evidence in all courts and shall have the same force and effect as would the official map or description.

(B) The town board shall require the redrawing of the official map and the rewriting of the official description as may from time to time be required. A redrawn map and a rewritten description shall supersede for all purposes the earlier maps and descriptions which are respectively replaced.

§ 2-2 **EXTENSION OF CORPORATE BOUNDARIES.**

All extensions of the corporate boundaries shall be governed by the General Statutes of North Carolina.

CHARTER

ARTICLE III

MAYOR AND BOARD OF COMMISSIONERS

§ 3-1 **COMPOSITION OF BOARD OF COMMISSIONERS.**

The board of commissioners shall consist of five members to be elected by the qualified voters of the town voting at large in the manner provided in Article IV of this Charter.

§ 3-2 **MAYOR AND MAYOR PRO TEMPORE.**

The mayor shall be elected by and from the qualified voters of the town voting at large in the manner provided in Article IV of this Charter. The mayor shall be the official head of the town government and shall preside at all meetings of the board of commissioners. When there is an equal division on a question, the mayor shall resolve the deadlock by this vote, but he shall in no other case. The mayor shall exercise such powers and perform such duties as are or may be conferred upon him by the general laws of North Carolina, by this Charter, and by the ordinances of the town. The board of commissioners shall choose one of its number to act as mayor pro tempore and he shall perform the duties of the mayor in the mayor's absence or disability. The mayor pro tempore as such shall have no fixed term of office, but shall serve in such capacity at the pleasure of the remaining members of the board.

§ 3-3 COUNCIL-MANAGER FORM OF GOVERNMENT.

The town shall operate under the council-manager form of government in accordance with Part 2 of Article 7, Chapter 160-A of the General Statutes. The term “council” shall be deemed to be interchangeable with the term “board of commissioners”, as set forth in G.S. § 160A-1(3).

§ 3-4 TERMS; QUALIFICATIONS; VACANCIES.

(A) The members of the board of commissioners shall serve for staggered terms of four years. The mayor shall serve for a term of four years as set forth in Article IV section 4.1. Their terms shall begin on the day and hour of the organizational meeting in December following their election and they shall serve until their successors are elected and qualify. (Ordinance amended 4/23/2018)

(B) No person shall be eligible to be a candidate or to be elected as mayor or as a member of the board of commissioners or to serve in such capacity, unless he is a resident and a qualified voter of the town.

(C) In the event a vacancy occurs in the office of mayor or commissioner, the board shall by majority vote appoint some qualified person to fill the same for the remainder of the unexpired term.

§ 3-5 **ORGANIZATION OF BOARD OF COMMISSIONERS, OATHS OF OFFICE.**

The board of commissioners shall meet and organize for the transaction of business at the first regularly scheduled meeting of the board in December following each biennial election. Before entering upon their offices, the mayor and each commissioner shall take, subscribe to and have entered upon the minutes of the board of the following oath of office:

“I, _____ do solemnly swear (or affirm) that I will support and maintain the Constitutions and laws of the United States and the Constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully discharge the duties of my office as _____ so help me, God.”

§ 3-6 MEETINGS OF BOARD.

The board of commissioners shall fix a suitable time and place for its regular meetings, which shall be held at least as often as once monthly. Special meetings may be held according to the procedures and requirements designated by the general laws of North Carolina pertaining to special meetings of city councils.

§ 3-7 QUORUM; VOTES.

(A) A majority of the members elected to the board of commissioners shall constitute a quorum for the conduct of business, but a less number may adjourn from time to time to compel the attendance of absent members in such manner as may be prescribed by ordinance.

(B) The affirmative vote of a majority of the members elected to the board of commissioners not excused from voting on the issue in question shall be necessary to adopt any ordinance, or any resolution or motion having the effect of an ordinance. All other matters to be voted upon shall be decided by a majority vote of those present and voting.

§ **3-8 ORDINANCES AND RESOLUTIONS.**

The adoption, amendment, repeal, pleading or proving of ordinances shall be in accordance with the applicable provisions of the general laws of North Carolina not inconsistent with this Charter. The ayes and noes shall be taken upon all ordinances and resolutions and entered upon the minutes of the board. The enacting clause of all ordinances shall be: “Be it ordained by the Board of Commissioners of the Town of Aberdeen.” All ordinances and resolutions shall take effect upon adoption unless otherwise provided therein.

CHARTER

ARTICLE IV
ELECTIONS

§ 4-1 **REGULAR MUNICIPAL ELECTIONS.**

The municipal elections shall be held and conducted by the Moore County Board of Elections. The regular municipal elections shall be nonpartisan and decided by simple plurality. The regular election for municipal offices shall be on Tuesday after the first Monday in November in 1975 and every two years thereafter. The elections shall be held and conducted in accordance with the applicable provisions of Articles 23 and 24 of Chapter 163 of the General Statutes of North Carolina. Beginning in the regular election to be held in November 1975, the three candidates for commissioner receiving the highest number of votes shall be elected for terms of four years, and the town candidates receiving the next highest number of votes shall be elected for terms of two years. Thereafter, as their terms expire, their successors shall be elected for terms of four years. Beginning in November 2019, the office of mayor shall be elected for a term of two years, and thereafter, starting in the election of November 2021, the mayor shall be elected for a term of four years. (Ordinance amended 4/23/2018)

CHARTER

ARTICLE V
TOWN ATTORNEY

§ **5-1 APPOINTMENT; QUALIFICATIONS; TERM; COMPENSATION.**

The board of commissioners shall appoint a town attorney who shall be an attorney at law licensed to engage in the practice of law in North Carolina and who need not be a resident to the town during his tenure. The town attorney shall serve at the pleasure of the board and shall receive such compensation as the board shall determine.

§ 5-2 **DUTIES OF TOWN ATTORNEY.**

It shall be the duty of the town attorney to prosecute and defend suits against the town; to advise the mayor, board of commissioners and other town officials with respect to the affairs of the town; to draft all legal documents related to the affairs of the town; to draft proposed ordinances when requested to do so; to inspect and pass upon all agreements, contracts, franchises and other instruments with which the town may be concerned; to attend all meetings of the board of commissioners when required by the board; and to perform such other duties as may be required of him by virtue of this position as town attorney.

§ 7-2 **INDEPENDENT AUDIT.**

As soon as possible after the close of each fiscal year, an independent audit shall be made of all books and accounts of the town government by a certified local government commission. The audit shall be secured in accordance with the provisions of the Local Government Budget and Fiscal Control Act.

CHARTER

ARTICLE VIII
POLICE

§ **8-1 JURISDICTION.**

(A) In addition to their authority within the corporate limits, town policemen shall have all powers invested in law enforcement officers by statute or common law within that territory outside the corporate limits and within one mile thereof which does not lie within the corporate limits of any other municipality.

(B) The jurisdiction of the police force is hereby extended to include all town-owned property and facilities whether located within or outside of corporate limits, and all members of the police force shall have upon and within such property and facilities all rights, power and authority as they have within the corporate limits.

CHARTER

***ARTICLE XI
CLAIMS AGAINST THE TOWN***

Editor's note: There is no Article IX or X.

§ 11-1 PRESENTATION OF CLAIMS; SUIT UPON CLAIMS.

(A) All claims or demands against the Town of Aberdeen arising in tort or in contract shall be presented to the board of commissioners in writing, signed by the claimant or his attorney or agent, within ninety days after the claim or demand is due or the cause of action accrues. No suite or action shall be brought thereon within thirty days or after the expiration of twelve months from the time said claim or demand is so presented. Unless the claim or demand is so presented within ninety days after the cause of action accrues and unless suite is brought within twelve months thereafter, any action thereon is barred.

(B) No action shall be instituted against the town for damages to or compensation for real property taken or used by the town for any public purpose, or for the ejectment of the town therefrom, or to remove a cloud upon the title thereof, unless, within two years after such alleged use, the owner, his executor, administrator, guardian or next of kin shall have given notice in writing to the board of commissioners of the claim, including in the notice the date the alleged use commenced, a description of the property alleged to have been used and the amount of the damage or compensation claimed.

(C) Notwithstanding the provisions of subsection (a) and (b) of this section, if a complainant suffers from physical or mental capacity that renders it possible for him to give notice, his action shall not be barred if notice of claim is given by him or on his behalf within six months after the termination of his incapacity; provided, that minority shall not of itself constitute physical or mental incapacity. If the complainant is a minor, his action shall not be barred if notice of claim is given on his behalf within three years after the occurrence of the infliction of the injury complained of; or if the minor suffers from physical or mental incapacity that renders it impossible for him to give notice, his action shall not be barred if notice of claim is given on his behalf within six months after termination of the incapacity, or within three years after the occurrence or the infliction of the injury complained of, whichever is the longer period. The town may at any time request the appointment of a next of kin to represent any person having a potential claim against the town and known to be suffering from physical or mental incapacity.