

PART I
CHARTER*

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ARTICLE I. INCORPORATION, CORPORATE POWERS AND BOUNDARIES

Sec. 1.1. Incorporation.

The City of Lincolnton, North Carolina in the County of Lincoln, and the inhabitants thereof, shall continue to be a municipal body politic and corporate, under the name and style of the "City of Lincolnton," hereinafter at times referred to as the "City."

Sec. 1.2. Powers.

The City of Lincolnton shall have and may exercise all of the powers, duties, rights, privileges and immunities, which are now or hereafter may be conferred either expressly or by implication, upon the City of Lincolnton specifically or upon municipal corporations generally by this charter, by the State Constitution, or by general or local law.

Sec. 1.3. Corporate limits.

The corporate limits of the City of Lincolnton shall be those existing at the time of ratification of this charter, as the same are set forth on an official map of the City, and as the same may be altered from time to time in accordance with law. An official map showing the current boundaries of the City, entitled "Map of the City of Lincolnton, North Carolina," or a current metes and bounds description of the corporate limits shall be maintained in the office of the City Clerk, and shall be available for public inspection. Upon alteration of the corporate limits made pursuant to law, the appropriate changes to the official map of the City shall be made.

***Editor's note**—The charter was ratified by the North Carolina Legislature by Chapter 341, Session Laws of 1979. On March 10, 1983 the North Carolina Legislature, by Chapter 58 of such year's Session Laws, ratified an amendment to the city charter deleting the mention of Board of Aldermen and inserting in lieu thereof City Council.

ARTICLE II. MAYOR AND CITY COUNCIL

Sec. 2.1. Governing body.

The City Council, elected and constituted as herein set forth, shall be the governing body of the City. On behalf of the City, and in conformity with applicable laws, the City Council may provide for the exercise of all municipal powers, and shall be charged with the general government of the City.

Sec. 2.2. Composition of city council length of terms.

The City Council shall be composed of four (4) members, each of whom shall be elected by the qualified voters of the City for a term of four (4) years, in the manner provided by Article III of this charter.

Sec. 2.3. Mayor; term of office; duties.

The Mayor shall be elected by the qualified voters of the City to serve for a term of two (2) years, in the manner provided by Article III of this charter. The Mayor shall preside at meetings of the City Council, but shall vote only when there is an equal number of votes in the affirmative and in the negative.

Sec. 2.4. Mayor pro tempore.

In accordance with applicable state law, the City Council shall elect one (1) of its members to act as Mayor pro tempore to perform the duties of the Mayor in the Mayor's absence or disability. In the event of a vacancy in the office of the Mayor, the Mayor pro tempore shall perform the duties of the Mayor until the vacancy is filled. The Mayor pro tempore shall have no fixed term of office, but shall serve in such capacity at the pleasure of the remaining members of the council.

ARTICLE III. ELECTIONS

Sec. 3.1. Method of election.

Regular municipal elections shall be held in the City every two (2) years in odd-numbered years and shall be conducted in accordance with state law governing municipal elections. The Mayor and members of the City Council shall be elected according to the partisan primary and election method.

State law reference—Election law, G.S. 163-279 et seq.

Sec. 3.2. Election of the Mayor; term of office.

At each regular municipal election in the City, a Mayor shall be elected for a term of two (2) years by and from the qualified voters of the City voting at large.

Sec. 3.3. Election of the council members; term of office; ward representation.

(a) The City Council shall continue to serve four-year staggered terms of office as set forth herein. At the regular municipal election to be held in 1979, and every four (4) years thereafter, there shall be elected two (2) members to the City Council, one (1) member from Ward Two and one (1) member from Ward Four, to serve terms of four (4) years each. At the regular municipal election in 1981, and every four (4) years thereafter, there shall be elected two (2) members to the City Council, one (1) member from Ward One and one (1) member from Ward Three, to serve terms of four (4) years each.

(b) Every person who is a candidate for the City Council and every person who is elected to the City Council shall reside in the ward which the person represents or seeks to represent, but all candidates shall be voted upon and elected by all the qualified voters of the City.

(c) If a member of the City Council has been elected from a ward and during his tenure of office moves from his ward to another ward within the City, the councilmember will not forfeit his office but will continue to serve as councilmember for the remaining term for which he was elected.

Sec. 3.4. Wards and ward boundaries.

(a) The City shall be divided into four (4) wards—Ward One, Ward Two, Ward Three and Ward Four.

(b) The boundaries of the four (4) wards shall be those existing at the time of the ratification of this charter, as the same are set forth on an official map or written description of the City. The official map or written description showing the current ward boundaries shall be maintained in the office of the City Clerk, and shall be available for public inspection. Upon alteration of the City's corporate limits, the City Council shall have the authority to revise the ward boundaries, in accordance with state law.

ARTICLE IV. ORGANIZATION AND ADMINISTRATION**Sec. 4.1. Form of government.**

The City shall operate under the Council-Manager form of government, in accordance with Part 2 of Article 7, Chapter 160A of the General Statutes.
(Laws 1982, H.B. No. 1464, § 1)

Sec. 4.2. City Manager.

The City Council shall appoint a City Manager to act as the chief administrator of City government, and who is to be responsible to the City Council for the proper administration of the affairs of the City. The City Manager shall serve at the pleasure of the City Council and shall perform the duties and responsibilities set forth in Part 2, Article 7, Chapter 160A of the General Statutes, not inconsistent with this charter, and such other duties as may be assigned by the City Council.

Sec. 4.3. City Attorney.

The City Council shall appoint a City Attorney who shall be licensed to engage in the practice of law in the State of North Carolina. It shall be the duty of the Attorney to prosecute and defend suits against the City; to advise the Mayor, City Council and other City officials with respect to the affairs of the City; to draft all legal documents relating to the affairs of the City; to inspect and pass upon all agreements, contracts, franchises and other instruments with which the City may be concerned; and to perform other duties required by law or as the City Council may direct. The City Council may employ other legal counsel from time to time, in addition to the City Attorney, as may be necessary to handle adequately the legal affairs of the City.

Sec. 4.4. City Clerk.

The City Manager shall appoint a City Clerk to keep a journal of the proceedings of the Council, to maintain in a safe place all records and documents pertaining to the affairs of the City, and to perform such other duties as may be required by law or as the City Council may direct.

Sec. 4.5. City Tax Collector.

The City Manager shall appoint a City Tax Collector to collect all taxes, licenses, fees and other moneys belonging to the City, subject to the General Statutes, the provisions of this charter and the ordinances of the City. The City Tax Collector shall diligently comply with and enforce all the laws of North Carolina relating to the collection of taxes by municipalities.

Sec. 4.6. City Treasurer.

The City Manager shall appoint a City Treasurer, or Finance Officer, to perform the duties of the finance officer as required by the Local Government Budget and Fiscal Control Act, and to perform such other duties as may be required by the Council.

Sec. 4.7. Consolidation of functions.

The City Council may consolidate any two (2) or more positions of the City Manager, City Clerk, City Tax Collector and City Treasurer, or may assign the functions of any one (1) or more of these positions to the holder or holders of any other of these positions, subject to the Local Government Budget and Fiscal Control Act and state law.

Sec. 4.8. Other administrative officers and employees.

Consistent with applicable state laws, the City Council may establish other positions, provide for the appointment of other administrative officers and employees, and generally organize the City government in order to promote the orderly and efficient administration of the affairs of the City.

ARTICLE V. RETIREMENT**CHAPTER 1. GENERAL RETIREMENT BENEFITS****Sec. 5.1. Retirement benefits for city employees.**

(a) Employees of the City, retired employees of the City and former employees of the City who contributed to the retirement benefit fund established for the City of Lincolnton by Chapter 199 of the Session Laws of 1967, shall be refunded such moneys as he or she has paid into the fund without interest, during the year 1974—1975.

(b) The City Council is hereby authorized to appropriate, from nontax revenues of the City, funds for retirement benefits to be granted any qualified employee, former employee or retired employee of the City. All such benefits shall be in addition to any retirement benefits the employee may receive from the North Carolina Local Governmental Employees' Retirement System or any other retirement benefits received from any other source.

(c) The City Council shall create a separate fund, to be known as the Retirement Fund, and to be disbursed by voucher drawn by the City Treasurer and countersigned by the Mayor. Such retirement funds are to be accumulated out of nontax moneys of the City.

(d) Should the Retirement Fund, at any time, be insufficient to make the monthly payment, the City shall place in the Retirement Fund the amount sufficient to make the monthly payments, the funds to be paid out of nontax moneys.

(e) Employees of the City, whether paid wages or salary, including the City Clerk, City Treasurer, City Attorney, and any and all other employees of the City, may voluntarily file notice with the City Clerk to be entered on the roll of pension.

(f) Employees at age sixty-two (62) or over and with twenty-five (25) years of accumulated employment with the City will receive retirement pay of fifty dollars (\$50.00) per month.

(g) An employee who has an accumulated employment with the City for ten (10) years or more and who becomes disabled or unable to work (while an employee of the City) shall be entitled to retirement benefits of fifty dollars (\$50.00) per month.

(h) The provisions of G.S. 160A-163 shall not apply to the retirement benefits authorized by this act.

Secs. 5.2—5.20. Reserved.

CHAPTER 2. RESERVED*

Secs. 5.21—5.28. Reserved.

***Editor's note**—Pursuant to Session Law 2002-41, H.B. 1607, ratified July 29, 2002, Ch. 2 of Art. V has been repealed. Former Ch. 2 pertained to the Lincolnton Firemen's Supplemental Retirement Fund and derived from Section 1 of Chapter 341 of the 1979 Session Laws.

ARTICLE VI. ALCOHOLIC BEVERAGE CONTROL**Sec. 6.1. Board of Alcohol Control.**

There shall continue to be a City Board of Alcohol Control to be composed of a chairman and two (2) other members, appointed by the Mayor and City Council, who shall be well known for their character, ability and business acumen. The Board shall be known and designated as "The City of Lincolnton Board of Alcohol Control." The chairman and the other two (2) members of the Board shall continue to serve three-year staggered terms. After their terms shall have expired, their successors in office shall serve for a period of three (3) years. Their successors or any vacancy occurring on the Board shall be named or filled by the Mayor and the City Council.

Sec. 6.2. Powers and duties of Board.

The City of Lincolnton Board of Alcoholic Control shall have all of the powers and duties imposed by section 18A-17 [18B-701] 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, except that no city liquor store authorized under this Article shall be located or operated within four hundred fifty (450) feet of any school or church in the City. The City of Lincolnton Board of Alcoholic Control and the operation of any city liquor store authorized under the provisions of this article shall be subject to the provisions of Article 2 of Chapter 18A [Article 8 of Chapter 18B] of the General Statutes, except to the extent which the same may be in conflict with the provisions of this Article. Whenever the word "County" Board of Alcoholic Control appears in Article 2 of Chapter 18A [Article 8 of Chapter 18B], it shall include the City of Lincolnton Board of Alcoholic Control.

Sec. 6.3. ABC officers.

The City of Lincolnton Board of Alcohol Control may appoint one (1) or more persons to serve as ABC officers. Such officers shall have the same power and authority as granted county ABC officers in G.S. 18A-20 [18B-501] and shall have jurisdiction throughout Lincoln County.

Sec. 6.4. Distribution of revenue.

The Board of Alcohol Control shall, out of the gross revenues derived from the operation of Alcohol Beverage Control Stores, pay all salaries, costs, and operating expenses, and retain a sufficient and proper working capital. The remaining net revenues, as determined by quarterly audit, shall be distributed quarterly by the Board of Alcohol Control as follows: Fifteen (15) percent to the General Fund of Lincoln County; eighty-five (85) percent to the General Fund of the City of Lincolnton to be expended for any governmental purpose for which the City may expend tax and nontax revenues.

ARTICLE VII. SPECIAL PROVISIONS**Sec. 7.1. Assessments for street and sidewalk improvements; petition unnecessary.**

(a) In addition to any authority which is now or may hereafter be granted by general law to the City for making street improvements, the City Council is hereby authorized to make street improvements and to assess the cost thereof against abutting property owners in accordance with the provisions of this section.

(b) The City Council may order street improvements and assess the cost thereof against the abutting property owners, exclusive of the costs incurred at street intersections, according to one (1) or more of the assessment bases set forth in Article 10 of Chapter 160A of the North Carolina General Statutes without the necessity of a petition, upon the finding by the City Council as a fact:

- (1) That the street improvement project does not exceed one thousand two hundred (1,200) linear feet; and
- (2) That such street or part thereof is unsafe for vehicular traffic, and it is in the public interest to make such improvement; or
- (3) That it is in the public interest to connect two (2) streets, or portions of a street already improved; or
- (4) That it is in the public interest to widen a street, or part thereof, which is already improved; provided, that assessments for widening any street, or portion of the street, without a petition shall be limited to the cost of widening and otherwise improving such street in accordance with the street classification and improvement standards established by the City's thoroughfare or major street plan for the particular street or part thereof to be widened and improved under the authority granted by this section.

(c) For the purposes of this section, the term "street improvement" shall include grading, regarding, surfacing, resurfacing, widening, paving, repaving, the acquisition of rights-of-way and the construction or reconstruction of curbs, gutters and street drainage facilities.

(d) In addition to any authority which is now or may hereafter be granted by general law to the City for making sidewalk improvements, the City Council is hereby authorized without the necessity of a petition, to make or to order to be made sidewalk improvements or repairs according to standards and specifications of the City, and to assess the total cost thereof against abutting property owners, according to one (1) or more of the assessment bases set forth in Article 10 of Chapter 160A of the North Carolina General Statutes; provided, however, that regardless of the assessment basis or bases employed, the Council may order the cost of sidewalk improvements made only on one (1) side of a street to be assessed against property owners abutting both sides of such street.

(e) In ordering street and sidewalk improvements without a petition and assessing the cost thereof under authority of this section, the City Council shall comply with the procedure provided by Article 10, Chapter 160A of the General Statutes, except those provisions relating to the petition of property owners and the sufficiency thereof.

(f) The effect of the act of levying assessments under the authority of this section shall for all purposes be the same as if the assessments were levied under authority of Article 10 of Chapter 160A of the General Statutes.

Sec. 7.2. Power of eminent domain.

The procedures provided in Article 9 of Chapter 136 of the General Statutes, as specifically authorized by G.S. 136-66.3(c), shall be applicable to the City in the case of acquisition of lands, easements, privileges, rights-of-way and other interests in real property for any purpose authorized by law through the exercise of the power of eminent domain. The City, when seeking to acquire such property or rights or easements therein or thereto, shall have the right and authority, at its option and election, to use the provisions and procedures as authorized and provided in G.S. 136-66.3(c) and Article 9 of Chapter 136 of the General Statutes for any of such purposes without being limited to streets constituting a part of the State highway system; provided, however, that the provisions of this section shall not apply with regard to properties owned by public service corporations as defined in G.S. 160A-243(c) [Chapter 40A], unless (1) the exercise of such power of eminent domain is either consented to by the owner of the property to be acquired by the City or (2) it is first adjudicated after notice and a hearing that such acquisition will not prevent or unreasonably impair the continued devotion to the public use of such properties and the operation by such public service corporation.

**CHARTER COMPARATIVE TABLE
SESSION LAWS**

This table shows the location of the sections of the basic Charter, as ratified by the North Carolina Legislature, and any amendments thereto.

Year	Chapter	Section	Section this Charter
1979	341		1.1—7.2
1982	1464(H.B. No.)	1	4.1
1983	58		Char.(note)
2001	1607(H.B. No.)	1	Rpld Art. V, Ch. 2

