

## **CHARTER AND OTHER RELATED LAWS**

### **Chapter**

#### **1. CHARTER AND RELATED LOCAL LAWS**



## CHAPTER 1: CHARTER AND RELATED LOCAL LAWS

### *PRIVATE LAWS OF NORTH CAROLINA OF 1883 CHAPTER 153, AS AMENDED*

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#### *Statutory reference:*

*For state laws governing the organization and procedures of the town,  
see G.S. §§ 160A-60 et seq.*

## § 1 INCORPORATION AND BOUNDARIES.

That the inhabitants of the Town of Troy shall continue as heretofore a body corporate under the name and style of "The Town of Troy," and under such name is hereby invested with all the privileges, immunities and franchises, property and all other rights heretofore belonging or appertaining to the Town of Troy, and in and by that name may sue and be sued, plead and be impleaded, acquire and hold property, real and personal, for the use of the town as its board of commissioners may deem necessary and expedient.

That the following shall be and constitute the boundaries of said Town of Troy: Beginning at a stake one-half ( $\frac{1}{2}$ ) mile due east from the center of the courthouse, and runs thence due north three-fourths ( $\frac{3}{4}$ ) of a mile to a stake; thence due west one and one-fourth ( $1\frac{1}{4}$ ) miles to a stake; thence due south one and one-fourth ( $1\frac{1}{4}$ ) miles to a stake; thence due east one and one-fourth ( $1\frac{1}{4}$ ) miles to a stake; thence due north one-half ( $\frac{1}{2}$ ) mile to the beginning. (Sec. 1, Ch. 153, Priv. L. 1883; Sec. 1, Ch. 342, Priv. L. 1913)

## § 2 TOWN OFFICERS.

That the officers of the Town of Troy shall consist of a mayor and five (5) commissioners, to be elected by ballot on the first Monday in May of each year, or on such other day as may be designated and set apart by the general laws of the State for municipal elections; also a town marshal, secretary-treasurer, to be chosen by the board of commissioners immediately after its organization, to hold for one (1) year, or until their successors are elected or appointed: Provided, that banks and trust companies may be appointed and act as treasurer: provided further, that they shall receive no commission for such services as treasurer; and it shall be the duty of the mayor to give notice of the election ten days previous thereto by posters written or printed and put up at three or more public places within the corporate limits of the said town. And if the board of commissioners of Montgomery County shall fail or neglect to appoint inspectors, two (2) resident citizens shall be appointed by the mayor, who, with himself, shall hold said election. (Sec. 2, Ch. 342, Priv. L. 1913)

### *Editor's note:*

*Chapter 125, Session Laws 1957, codified under "Related Local Laws" in this Division, provides for staggered terms in the election of Commissioners.*

### *Statutory reference:*

*Election procedures are now governed by uniform state statutes, the Uniform Municipal Election Law of 1971, as amended, G.S. §§ 163-279 et seq.*

## § 3 QUALIFICATIONS FOR OFFICE.

That any qualified voter of this state shall be eligible as mayor or commissioners, and entitled to vote in the municipal election of said town: provided, he shall have resided within the corporation for 90 days next preceding the election. (Sec. 3, Ch. 153, Priv. L. 1883)

### *Statutory reference:*

*Qualifications for office, N.C. Constitution, Article VI.*

**§ 4 CONDUCT OF ELECTION.**

That on the day of election the inspectors shall give due attendance at the time and places appointed, shall be judges of the polls, receive the votes, and conduct the election in the manner and during the same hours of the day as are prescribed for election of members of the general assembly. (Sec. 4, Ch. 153, Priv. L. 1883)

**§ 5 FURTHER DUTIES OF INSPECTORS.**

That the inspectors shall certify and subscribe the poll and registration lists and return them to the town secretary, who shall take charge and preserve the same. (Sec. 5, Ch. 153, Priv. L. 1883)

**Statutory reference:**

*The Uniform Municipal Election Law of 1971, as amended, G.S. §§ 163-279 et seq., supersedes and effectively repeals the provisions of §§ 4 and 5 above.*

**§ 6 JUDICIAL POWER OF MAYOR.**

That the mayor, as a peace officer, shall have within the corporate limits of said town all the powers and authority of a justice of the peace, and as a judicial officer within the same, all the powers, jurisdiction and authority necessary to issue process upon and to hear and determine all cases arising upon the ordinances of the board of commissioners, to impose penalties upon any adjudged violation thereof, to fine and imprison either in the guard house of the town or the common jail of the county, and to execute all laws and ordinances made by the commissioners for the government and regulation of the town: provided, that in all cases any person dissatisfied with his judgment may appeal to the superior court of Montgomery County, upon recognizance and security for his appearance at the next term thereof. (Sec. 6, Ch. 153, Priv. L. 1883)

**Statutory reference:**

*The mayor's powers as a judicial officer and court have been abolished by Art. IV, N.C. Constitution, and a system of General Courts of Justice implemented.*

**§ 7 VIOLATIONS.**

That the mayor of said town shall have jurisdiction to hear and determine all violations of the ordinances of said town without requiring a complaint on oath in writing from the party injured, but may exercise said jurisdiction on the complaint of any other person, or where the offense is committed within his own knowledge, view or presence. (Sec. 7, Ch. 153, Priv. L. 1883)

**§ 8 IMPRISONMENT FOR VIOLATIONS.**

That the mayor shall have power to commit any person convicted of a violation of said ordinances

to prison until the fines and costs are paid, and such person can only be released as is provided in like cases in other courts. (Sec. 8, Ch. 153, Priv. L. 1883)

**Statutory reference:**

*References to the mayor's power as a judicial officer in §§ 7 and 8 are inapplicable, in accordance with note to § 6.*

**§ 9 GENERAL PENALTY FOR VIOLATIONS.**

That every violation of a town ordinance shall be a misdemeanor, and shall be punished by a fine of not more than \$50, or imprisonment for not more than 30 days. (Sec. 9, Ch. 153, Priv. L. 1883)

**Statutory reference:**

*Violations of municipal ordinances, G.S. § 14-4.*

**§ 10 USE OF FINES.**

That all fines collected under the provisions of this act for violations of town ordinances shall go to the use of the town. (Sec. 10, Ch. 153, Priv. L. 1883)

**§ 11 FEES OF THE MAYOR.**

That the mayor shall be entitled by law to the same fees as a justice of the peace in like cases, and may be allowed by the board of commissioners an additional salary not to exceed \$ 100 a year. (Sec. 11, Ch. 153, Priv. L. 1883)

**Editor's note:**

*See references following §§ 6 through 8.*

**§ 12 ORDINANCE MAKING POWER OF COMMISSIONERS.**

The commissioners shall have power to make and provide for the execution thereof, such ordinances, by-laws, rules and regulations for the good government of the town as they may deem necessary, not inconsistent with the constitution of the state and the laws of the land. (Sec. 12, Ch. 153, Priv. L. 1883)

**Statutory reference:**

*Authority to adopt ordinances, G.S. § 160A-174.*

**§ 13 AUTHORITY TO PRESERVE ORDER.**

The commissioners shall have power and it shall be their duty to provide for and secure the good order and tranquility of the town against disturbance, by quarrels, loud, profane or obscene language,

riots, affrays, trespasses or other breaches of the peace, or other irregularities tending to disturb the peace of the citizens; they shall provide for repairing the streets, sidewalks and alleys, and cause the same to be kept clean and in good order, make regulations for the observance of the Sabbath, suppress and remove nuisances, and prohibit any indecent exposure of person by imposing such fines and imprisonment in all cases within the jurisdiction of a justice of a peace, as they shall deem adequate. (Sec. 13, Ch. 153, Priv. L. 1883)

#### **§ 14 PROHIBITION OF FIREARMS.**

They may prohibit the firing of any gun, pistol or other dangerous or combustible substance in the streets of said town or elsewhere therein. (Sec. 14, Ch. 153, Priv. L. 1883)

#### **§ 15 OPENING AND CONDEMNING OF STREETS.**

The commissioners shall have power to lay out and open any new street within the corporate limits of said town whenever by them deemed necessary, and they shall have the power at any time to widen, enlarge, change, extend, narrow and discontinue any street within said corporate limits whenever they may so determine, by making a reasonable compensation to owners of property damaged thereby. In cases where the owners of land cannot agree with the commissioners regarding the value of the land or property and damages, the mayor of the town shall issue his warrant to the town marshal, commanding him to summon three (3) disinterested freeholders of said town, who, together with two (2) freeholders as above to be selected by the party claiming damages, shall determine the value of such property and assess the damages, after which they shall return a report of their proceedings into the office of the mayor, there to be filed; before proceeding to view said premises and assess said damages, the parties so summoned shall take the following oath before the mayor of the town or some justice of the peace: "I, A.B., do solemnly swear or affirm that I will faithfully and honestly discharge the duty of appraiser for which I have been chosen and a true report make, so help me God." If the party damaged or claiming damages refuses to select two (2) appraisers as provided above, the report of the three summoned in behalf of the town shall be final: Provided, that if either the commissioners or the opposite party be dissatisfied with the report of the freeholders, then they may appeal to the superior court of Montgomery County, and in that case the report of valuation and the proceedings therein shall be sent up by said appraisers to said court, there to be determined. (Sec. 15, Ch. 153, Priv. L. 1883)

***Statutory reference:***

*Authority to establish streets, G.S. §§ 160A-296 et seq.; to condemn property generally, G.S. §§ 40A-1 et seq.*

#### **§ 16 LAW ENFORCEMENT.**

That it shall be the duty of the town constable or marshal to see that the laws, ordinances and orders of the commissioners are enforced; to preserve the peace of the town by suppressing

disturbances and apprehending offenders, and for that purpose he shall have all the power and authority vested in sheriffs and county constables, and he shall have the same fees on all processes and precepts executed or returned by him, which may be allowed to constables of the county on like processes and precepts, and also such other compensation as the commissioners may allow. (Sec. 16, Ch. 153, Priv. L. 1883)

#### § 17 EXECUTION OF WARRANTS.

That the mayor of said town may issue his precepts to the constable who may execute the same anywhere in Montgomery County, and to that end the said constable may summon any citizen of said county to his assistance, who, upon refusal to act, shall be considered guilty of a misdemeanor, and upon complaint of said officer to the mayor or some justice of the peace, he shall be tried and punished in the discretion of the court within the limits prescribed in the jurisdiction of a justice of the peace. (Sec. 17, Ch. 153, Priv. L. 1883)

*Editor's note:*

*See references following §§ 6 through 8 of this Charter.*

#### § 18 TAKING OFFENDERS INTO CUSTODY.

That the town constable may arrest parties offending against town ordinances in his presence or view, or when endeavoring to make their escape without the limits of said town, without a warrant, and he shall commit all offenders in a state of intoxication to the guard house or county jail until they become sufficiently sober to appear before the mayor for trial; said town constable may also arrest without warrant any person violating the ordinances of the town in the night time, and may commit such offender to the guard house or county jail, and the sheriff or jailer of Montgomery County is hereby required, without a mittimus, to receive into the jail of the county the person thus surrendered as his prisoner, and the person thus taken up in tile night time shall be brought before the mayor on the morning following and be dealt with according to law. (Sec. 18, Ch. 153, Priv. L. 1883)

#### § 19 HARD LABOR FOR OFFENDERS.

That the Board of Commissioners shall have authority to put to and keep at work on the streets of the town any person or persons who may fail to pay any cost, fine, penalty or forfeiture which may be imposed on such person or persons for violation of any ordinance, rules or regulations of said town; and the said commissioners shall have power to control and work the offenders above named until said fines, penalty or forfeitures, together with all costs, shall be fully paid and satisfied, under such rates for labor and board as the commissioners may adopt. (Sec. 19, Ch. 153, Priv. L. 1883)

**§ 20 FAILURE TO RELINQUISH OFFICIAL DOCUMENTS.**

That all officers of said Town of Troy who shall on demand fail to turn over to their successors in office any property, moneys, books, or effects of the town, shall be deemed guilty of a misdemeanor, and upon conviction before the superior court of Montgomery County shall be fined or imprisoned at the discretion of the court. (Sec. 20, Ch. 153, Priv. L. 1883)

**§ 21 COUNCIL-MANAGER FORM OF GOVERNMENT.**

Pursuant to G.S. §§ 160A-101 and 160A-102, the charter of the Town of Troy as set forth in the Laws of North Carolina, as amended, is hereby further amended to provide that the Town shall operate under the council-manager form of government in accordance with Part 2 of Article 7 of G.S. Chapter 160A and any charter provisions not in conflict therewith.  
(Ord. passed 11-12-79)

**RELATED LOCAL LAWS**

***CHAPTER 228, SESSION LAWS 1951  
JURISDICTION OF POLICE OFFICERS***

Section

1 Jurisdiction

**§ 1 JURISDICTION.**

The members of the Town Police of the Towns of Biscoe, Candor, Mount Gilead, Star, and Troy, in Montgomery County, shall have in all that territory embraced within one (1) mile in all directions of the present corporate limits of said towns, respectively, all the power and authority which they now exercise within the corporate limits of said towns.

***Statutory reference:***

*Jurisdiction of police officers generally, G.S. § 160A-286, G.S. § 15A-402.*

**CHAPTER 46, SESSION LAWS 1955**  
**SALE OF CEMETERY LOTS AT PRIVATE SALE**

Section

- 1 Private sale by board authorized
- 2 Previous actions confirmed, ratified and validated

**§ 1 PRIVATE SALE BY BOARD AUTHORIZED.**

The Board of Commissioners of the Town of Troy, in Montgomery County, is authorized to sell at private sale any and all cemetery lots owned by said town without the necessity of selling the same at public auction as required by G.S. § 160-59 [ §§ 160A-266 et seq.].

**§ 2 PREVIOUS ACTIONS CONFIRMED, RATIFIED AND VALIDATED.**

All actions heretofore taken by the Board of Commissioners of the Town of Troy in selling cemetery lots at private sale are hereby, in all respects, confirmed, ratified and validated.

**CHAPTER 125, SESSION LAWS 1957**  
**ELECTION AND TERMS OF OFFICE OF COMMISSIONERS**

Section

- 1 Election and terms of office

**§ 1 ELECTION AND TERMS OF OFFICE.**

At the regular election for mayor and commissioners of the Town of Troy to be held in May, 1957, there shall be elected a mayor and five (5) commissioners. The mayor shall serve for a term of two (2) years and until his successor is elected and qualified. At said election the three (3) candidates receiving the highest number of votes shall serve for terms of four (4) years, and the two (2) candidates receiving the next highest number of votes shall serve for terms of two (2) years. Thereafter, at the regular biennial elections, as their terms of office expire, the commissioners shall be elected and shall serve for terms of four (4) years and until their successors are elected and qualified. At the biennial elections held subsequent to 1957 the mayor shall be elected for a term of two (2) years and shall serve said term until his successor is elected and qualified.

**CHAPTER 314, SESSION LAWS 1965  
COMPENSATION OF THE MAYOR AND BOARD**

Section

- 1 Compensation of mayor
- 2 Compensation of board

**§ 1 COMPENSATION OF MAYOR.**

Effective July 1, 1965, the mayor of the Town of Troy in Montgomery County shall receive as compensation for his services an annual salary of five hundred dollars (\$500.00), payable in twelve (12) equal monthly installments.

**§ 2 COMPENSATION OF BOARD.**

Effective July 1, 1965, the members of the Board of Commissioners of the Town of Troy in Montgomery County shall each receive as compensation for their services an annual salary of two hundred dollars (\$200.00), payable in twelve (12) equal monthly installments.

***Statutory reference:***

*G.S. § 160A-64 presently authorizes the mayor and governing body to establish their compensation by local ordinance.*

**CHAPTER 346, SESSION LAWS 1969  
CONVEYANCE OF CERTAIN PROPERTY**

Section

- 1 Board authorized to convey certain property

**§ 1 BOARD AUTHORIZED TO CONVEY CERTAIN PROPERTY.**

Notwithstanding G.S. § 160-2(6) or G.S. § 160-59 or any other provision of law, the Boards of

Commissioners of the Towns of Troy, Mount Gilead, Biscoe, Candor, and Star are each hereby authorized and empowered to lease, sell, or transfer, and to convey, to the County of Montgomery with or without consideration either at public or private sale, and upon such terms and conditions as each such Board shall see fit, any property, real or personal, and any easements, rights of way, water rights or other interests in land, now owned by the respective Towns and used for the purposes of acquisition, storage, transmission, and treatment of water. Nothing herein shall be construed to authorize the lease, sale, or transfer of the water distribution system or of any water distribution lines within the corporate limits of either of the respective Towns in any manner other than as is authorized by G.S. § 160-2(6).

***Statutory reference:***

*Statutes concerning sale of municipal property are now codified in G.S. §§ 160A-266 et seq.*