

# The New Charter

## Of The City of Hickory

ENACTED BY THE LAST LEGISLATURE.

THE GENERAL ASSEMBLY OF CAROLINA DO ENACT:

SEC. 1. That the inhabitants of the town of Hickory residing within one mile of the centre of the public square in said town shall continue to be as heretofore a body corporate, but under the name and style of the City of Hickory, and under such name and style is hereby invested with all the property and rights of property, which now belong to the present corporation of the town of Hickory, or any other corporate name or names heretofore used; and by the corporate name of the City of Hickory may purchase and hold for purposes of its government, welfare and improvement, all such estate, real and personal, as may be deemed necessary therefor, or as may be conveyed, devised or bequeathed to it, and the same may from time to time sell, dispose of and reinvest as shall be deemed advisable by the proper authorities of the corporation.

SEC. 2. That the present Mayor and Commissioners and other officers of the town of Hickory shall be and are hereby declared to be like officers with like powers and duties of the City of Hickory under the name of Mayor and Aldermen until their successors are elected and qualified as hereinafter provided.

SEC. 3. The administration and government of the City of Hickory shall be vested in one principal officer to be styled the Mayor, a board of six Aldermen and such other officers as are hereinafter provided for, provided that when the population of said city shall be ascertained to be four thousand, the Board of Aldermen shall have power to divide the said city into four wards, as follows—viz: That part lying north of the Western North Carolina Railroad and east of a due north line from the centre of what is now known as the public square, to be known as Ward Number One; that part lying south of said railroad and east of a due south line from the centre of said square to be known as Ward Number Two; that part lying south of said railroad and west of said due south line to be known as Ward Number Three; that part lying north of said railroad and west of said due north line to be known as Ward Number Four, and there shall be elected two Aldermen from each of said wards to constitute said board.

SEC. 4. The Mayor shall be elected on the first Monday in May in each year by the qualified voters of the City of Hickory, and the Board of Aldermen shall be elected by said qualified voters as follows: The three Commissioners elected on the first Monday in May, one thousand eight hundred and eighty-seven, under the provisions of an Act, chapter seventy-nine, of the private laws of one thousand eight hundred and eighty-seven, to serve for two years—to wit: From the first Monday of May, one thousand eight hundred and eighty-eight, to first Monday of May, one thousand eight hundred and

ninety, shall continue and be for said term members of the Board of Aldermen, and at each annual election on the first Monday in May, beginning with the first Monday in May, 1889, three Aldermen shall be elected to serve for a period of two years to take the place of those whose terms expire, and on the first Monday in May following the division of the city into wards there shall be four Aldermen elected, one resident in each ward, to serve for two years, and on each first Monday in May thereafter there shall be four Aldermen elected to take the place of those retiring. *Provided*, the Board of Aldermen elected under the provisions of this Act, shall elect one Alderman to serve for the first year after the city is divided into four wards.

SEC. 5. The Mayor and Board of Aldermen shall have power to elect a chief of police and as many other policemen as they may deem necessary, a city clerk, a city treasurer, or a city clerk who shall act as city treasurer, a tax collector, a chief of fire department and any other agents, officers or employees that may be necessary.

SEC. 6. The Board of Aldermen shall annually, at least ten days before the first Monday in May, appoint as many inspectors or judges of election as they may deem proper—not less than three—and shall give at least ten days' public notice in a newspaper published in the city, or by sufficient posters, that the said inspectors will hold the annual election at such place or places as the Board of Aldermen may appoint in said city and named in the said public notice, and the officers to be elected shall also be named in said public notice; *provided*, that if for any reason the inspectors appointed or any one of them shall fail to act the Board of Aldermen may appoint others.

SEC. 7. It shall be the duty of the inspectors of election so appointed to hold the election according to law after being sworn by any lawful officer competent to administer oaths, and at the close of the election the votes shall be counted by the inspectors publicly, and such persons voted for as Mayor, having the largest number of votes shall be declared to be elected Mayor, and such persons, three in number, or four after the city is divided into wards, voted for as Aldermen, having the largest number of votes shall be duly declared elected Aldermen; and the inspectors shall within two days thereafter notify those elected the result of the fact and also report the result to the Board of Aldermen, who shall keep a correct record of the same.

*Provided*: That in case of a tie vote at the annual election the inspectors shall decide who shall be Mayor or Aldermen, as the case may be.

SEC. 8. The city clerk shall be ex-officio registrar and shall open the registration books and keep them open for thirty days immediately preceding the day of election, and all electors who have resided in the City of Hickory for ninety days shall be entitled to register. Such elections shall be held as near as may be in compliance with the provisions of the Code of North Carolina and the provisions of this Charter.

SEC. 9. The Mayor elect shall within three days after being notified of his election as aforesaid take the oaths prescribed before any justice of the peace for Catawba county. The Mayor is hereby constituted an inferior court, and as such shall within the corporate limits of the city have

all the power, jurisdiction and authority of a justice of the peace in all criminal matters. The Mayor shall further be a special criminal court within the corporate limits of the city, to have arrested and try all persons who are charged with a misdemeanor for violating any ordinance of the city. The proceedings in said court shall be the same as are now or hereafter shall be prescribed for courts of justices of the peace and in all cases there shall be a right of appeal; and in all cases where a defendant may be adjudged to be imprisoned by the said Mayor, it shall be lawful and competent for him to adjudge also that the said defendant work during the period of his confinement in the public streets or other public works of said city; and it may and shall be lawful for the Mayor, when he has entered up a judgment against the defendant, for fine or penalty, if the same is not paid, to order and require that such person or persons so convicted to work on the streets or other public works of the city under the supervision of the chief of police or street overseer until at a rate of wages ranging from fifty cents to one dollar per day such person or persons shall have worked out the full amount of the judgment and costs of prosecution, and to effect this it shall be lawful for the Board of Aldermen to establish a chain-gang and work offenders on the public works and streets by ball and chain.

SEC. 10. That the Mayor of the City of Hickory may issue his precepts to any constable, policeman or to such other officers as are required to execute process issued by a justice of the peace.

SEC. 11. That the Mayor shall keep a faithful minute of the precepts issued by him and of all of his judicial proceedings.

SEC. 12. That the Mayor, when present, shall preside at all the meetings of the Board of Aldermen, and where there is an equal division upon any question, or in the election of officers by the board, he shall determine the matter by his vote. He shall vote in no other case, and if he shall be absent the board may appoint one of their number, pro tem., to exercise his duties at that meeting, and in the event of his extended sickness or absence the board may appoint one of their own number, pro tempore, to exercise his duties.

SEC. 13. That the Mayor shall keep his office in some convenient part of the city, designated by the Board of Aldermen. He shall keep the seal of the corporation, and perform such duties as shall from time to time be prescribed, and he shall receive such compensation and fees as may be allowed by this Act and the ordinances of the corporation.

SEC. 14. That the Aldermen shall form one board and a majority of them shall be competent to perform all duties prescribed unless otherwise provided. At their first meeting they shall fix stated days of meeting for the year, which shall be as often, at least, as once in every month. Special meetings of the Aldermen may also be held on the call of the Mayor, or shall be called by him at the request of a majority of the Aldermen, and of every such meeting when called by the Mayor all the Aldermen shall be notified, and when called by a majority of the Aldermen such as shall not join in the call shall be notified.

SEC. 15. That the Board of Aldermen, when convened, shall have power to make and provide for the execution of such ordinances, by-

laws, rules and regulations for the better government of the city as they may deem necessary, not inconsistent with this Act or with the laws of the land.

SEC. 16. That after the Mayor has been duly elected and qualified he shall call the Aldermen elected before him within three days and they shall then and there take an oath to discharge the duties imposed upon them by virtue of their office as Aldermen with fidelity and integrity to the best of their ability, which oath shall be administered by the Mayor or a justice of the peace.

SEC. 17. That all the officers elected or appointed under or by virtue of this Act shall hold their office or appointment until their successors are duly elected or appointed and qualified.

SEC. 18. All grants, conveyances power or licenses heretofore given, ordered or authorized by the Board of Commissioners of the town of Hickory and grants are hereby validated and confirmed.

SEC. 19. The Board of Aldermen may in their discretion, grant to any person or persons such license, power and authority as they may see fit, within said city to establish, locate, carry on and ply any business, trade or occupation, or do any act, not forbidden by law, and to pass such orders, resolutions or ordinances, as may fully protect persons so licensed, authorized or empowered, in the full, free and uninterrupted management and control of such business.

SEC. 20. That at the first meeting of the Board of Aldermen or as soon thereafter as practicable, they shall elect a city clerk and treasurer or combine the two as herein provided, and a tax collector, who shall respectively hold their offices for the term of two years and until their successors are elected and qualified, subject however to be removed at any time, and others appointed in their stead, for misbehavior or neglect in office. Before acting each of said officers, shall take an oath before the Mayor to faithfully discharge the duties required of him by the Board of Aldermen, and each shall execute a bond in such amount as the Board may require with security to be approved by the Board.

SEC. 21. That the clerk and treasurer shall have a salary to be fixed by the Board, and it shall be his duty to keep regular and fair minutes of the proceedings of the Board, and to preserve all books, papers and other articles committed to his care during his continuance in office, and deliver them to his successors. And he shall receive and faithfully keep all moneys which shall be paid to him for the use and in behalf of said city, and disburse the same according to an order given in obedience to the direction of said Board appearing on their minutes. He shall keep a fair and correct account of all moneys so received and disbursed by him, in a book kept for that purpose, showing from what source money is received, and for what purpose paid out, and shall submit said accounts to said Board, whenever required. He shall pay to his successor all moneys in his hands belonging to said city—and faithfully perform all duties imposed on him as clerk and treasurer, by the laws and ordinances of said Board, and he shall perform all other duties that may hereafter be imposed upon him by the Board of Aldermen.

SEC. 22. The tax collector, whose appointment is herein provided for, shall be vested with the same power and authority in the collection of taxes, that sheriffs have, and subject to the same fines and penalties for failure or neglect of duty. He shall be charged with sums appearing by the tax lists, as due for city taxes. He shall be credited in settlement

as sheriffs are credited, with amounts in suit by appeal, all poll tax, and taxes on personal property, certified by the clerk of the commissioners of the county, by order of the Board of county commissioners, to be insolvent and uncollectable. He shall at no time retain in his hands over two hundred dollars for a longer time than seven days, under a penalty of ten per cent. per month to the city upon all sums unlawfully retained. The Board of Aldermen at the regular meeting in April of each municipal year shall appoint one or more of their number to be present and assist at the accounting and settlement between the tax collector and city treasurer, and to audit and settle the accounts of the city clerk and treasurer. The accounts so audited shall be reported to the Board of Aldermen, and when approved by them shall be recorded in the minute book of said Board and shall be *prima facie* evidence of their correctness, and impeachable only for fraud or specified error. It shall be the duty of said Board to remove any tax collector who shall fail to settle and fully pay up the taxes by law due from him, and he shall not be eligible to reelection to said office in case of such removal.

SEC. 23. That the Board of Aldermen shall have power to appoint a police force, to consist of a chief of police and such number of policemen as the good government of the city may require, who shall hold their office for one year, and until their successors are appointed. The chief of police shall give bond in such sum as the Board of Aldermen may prescribe for the faithful discharge of the duties imposed by law and the ordinances of the city, and to faithfully account for all moneys that may come into his hands from fines, penalties etc.

The chief of police shall have the supervision and control of the police force, and it shall be his duty to report to the Mayor any direction of duty on the part of any member of the police force. It shall be the duty of the chief of police to attend the mayor's court each day and report any violations of law or ordinances of the city, to collect all fines and penalties imposed, and pay the same to the city treasurer, and to execute the orders and judgments of said court. To see that the laws and ordinances of the city are enforced, and do such other things as may be required of him by the Mayor. The chief of police and each member of the police force shall have all the power and authority vested in sheriffs and constables for the preservation of the peace of the city, in suppressing disturbances and apprehending offenders; they shall execute all process directed to them by the Mayor or others, and execution thereof shall have the same powers which sheriffs and constables have. The chief and members of the police shall take an oath before the Mayor for the faithful performance of the duties required by law and ordinances.

SEC. 24. That the chief of police shall be entitled to, and shall receive the fees arising from the execution of all precepts issued by the Mayor or others, which shall be the same as that of sheriffs and constables for like service. The Board of Aldermen shall pass ordinances for the government and direction of the police and fix their compensation. In times of exigency the Mayor may appoint temporarily additional policemen for such time as shall appear necessary, not exceeding one week, who shall take the same oath, and be subject to the same control as regular policeman.

SEC. 25. That the Mayor may at any time, upon charges being preferred, or upon finding said chief or any member of said police force

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