# THE KINGS MOUNTAIN HERALD, KINGS MOUNTAIN, N. C.

## Charter A THE CHARTER **OF THE CITY OF KINGS** MOUNTAIN, NORTH CAROLINA ARTICLE 1

SECTION 1: The inhabitants of the City of Kings Mountain, North Carolina, within the corporate limits as now established or as hereafter established in the manner provided by law, shall continue to be a municipal body politic and corporate in

perpetuity, under the name of the City of "Kings Mountain." SECTION 2: The municipal gov-ernment provided by this Charter shall be known as the "Council-Manager-Government." Pursuant to its provisions and subject only to the limitations imposed by the state constitution and by this charter, all powers of the City shall be vested in an elective council, hereinafter referred to as "the council,,' which shall enact local legislation, adopt budgets, determine policies, and appoint a city manager who shall ex-ecute the laws and administer the government of the city. All powers of the city shall be exercised in the manner prescribed by this charter, the constitution and general laws

of the State. SECTION 3: The city shall have all the powers granted to municipal corporations and to cities by the constitution and general laws of this state together with all the implied powers necessary to carry into execution all the powers granted. The city may acquire property within or without its corporate limits for any city purpose, in fee simple or any lesser interest or estate, by purchase, gift, devise, lease or condemnation, and may sell, lease, mortgage, hold, manage and control such property as its interests may require; and, except as prohibited by the constitution of this state or restricted by this charter, the city shall and may exercise all municipal powers, functions, rights, privi-leges, and immunities of every name and nature whatsoever. The enumeration of particular powers by this charter shall not be deemed to be exclusive, and in addition to the powers enumerated therein or implied thereby, or appropriate to the exercise of such powers, it is intended that the city shall have and may exercise all powers which, under the constitution of this State, it would be competent for this charter specifically to enumerate.

SECTION 3-A: The City, through its council shall have the power to grant franchises to Public Service Companies, and any such franchise shall be subject to a tax by said City in such amounts as the council may think to be just and such tax shall be in addition to a license tax. SECTION 3-B: The council shall

have power to regulate by ordinance every function required of a municipality under the constitution and general laws of the state, and such ordinance or ordinances when finally adopted as provided by this shall authenticate by his signature charter shall become and be a part and record in full in a book kept for of this charter as fully as if origi- the purpose all ordinances and resso construed by the courts in the er duties as shall be required by this personnel, and such other department of interpretation thereof.

### ARTICLE 2

SECTION 4: The council shall consist of five members to be elected

tary housing accommodation for families of low income: (13) Create a housing authori-

(14) Adopt, modify and carry out plans proposed by the planning commission for the clearan-ce of slum districts and rehabilitation of blighted areas:

Adopt, modify and carry (15) out plans proposed by the planning commission for the replanning, improvement and redevelopment of neighborhoods and for the replanning, reconstruction or redevelopment of any area or district which may have been destroyed in whole or in part by dedisaster;

(16) Provide for an independent audit.

SECTION 9: The council shall appoint an officer of the city who of the city government. shall have the title of city manager and shall have the powers and perform the duties in this charter provided. No councilman shall receive for which he shall have been elec. administrative qualifications with ted, nor within one (1) year after special reference to his actual exsuch appointment during the term the expiration of his term.

SECTION 10: The council shall appoint the city manager for an in-definite term and may remove him by a majority vote of its members. SECTION 11: Neither the council nor any of its members shall direct or request the appointment of any person to, or his removal from, office by the city manager or by any of his subordinates, or in any manner take part in the appointment or removal of officers and employees in the administrative service of the city. Except for the purpose of in-quiry, the council and its members shall deal with the administrative of this charter, he shall have power service solely through the city manager and neither the council nor any member thereof shall give or-ders to any subordinates of the city nor manager, either publicly or privately. Any councilman violating the provisions of this section, or voting for a resolution or ordinance in vi-olation of this section, shall be guilty of a misdemeanor and upon conviction thereof shall cease to be a councilman.

SECTION 12: Vacancies in the council shall be filled by recount of votes cast in the last preceding e-lection as provided in section 83 of this charter.

SECTION 13: The council by ordinance may create, change, and a bolish offices, departments or agencies, other than the offices, depart- needs of the ci ments and agencies established by recommendation this charter. The council by ordi- him desirable; nance may assign additional functhis charter, but may not discontin- not inconsistent with this charter. ue or assign to any other office, de-

give notice of its meetings, shall keep the journal of its proceedings, to perform the duties of the manacharter or by ordinance. SECTION 15: The first meeting of

each newly elected council, for in-duction into office as prescribed by SECTION 27: At the head of each in the manner provided in article 8 law shall be held at ten o'clock in department there shall be a director, with the important features of the of this charter, for a term of two the morning on the second Monday who shall be an officer of the city budget plan. It shall set forth the

dences of financial transactions of persons shall be given an opportu-the city government and shall sub-mit their report to the council and to the city manager. Such account-SECTION 34: After the conclusion ing fiscal year in e ants shall have no personal interest. direct or indirect, in the fiscal affairs of the city government or of any of its officers. They shall not and documents kept by the department of finance and any separate cr subordinate accounts kept by any other office, department or agency

SECTION 23: The city manager shall be chosen by the council solely on the basis of his executive, and perience in, or his knowledge of, accepted practice in respect to the duties of his office as hereinafter set forth. At the time of his appoint-ment, he need not be a resident of the city or state, but during his tenure of office he shall reside within

the city. SECTION 24: The city manager shall be the chief executive officer and the head of the administrative branch of the city government. He shall be responsible to the council and shall be required to:

for the good of the service, remove all officers and employees of the city except as otherwise provided by this charter and except as he may authorize the head of a department or office to appoint and remove subordinates in such department or office;

(2) Prepare the budget annually and submit it to the council and be responsible for its administration

after adoption; (3) Prepare and submit to the council as of the end of the fiscal year a complete report on the finances and administrative activities

of the city for the preceding year; and agencies and for the use of in: (4) Keep the council advised of terested persons and civic organiza-the financial condition and future tions. needs of the city and make such recommendations as may seem to

(5) Perform such other duties as tions or duties to offices, depart- may be prescribed by this charter appropriated to the several objects that the facts clearly warrant the ments or agencies established by or required of him by the council, and purposes therein named. SECTION 25: To perform his dupartment or agency any function or ties during his, temporary absence duty assigned by this charter to a or disability, the manager may des- ed by property tax shall constitute particular office, department or ignate by letter filed with the city a determination of the amount of agency. SECTION 14: The council shall ficer of the city. In the event of fail- in the corresponding tax year. elect an officer of the city, who shall ure of the manager to make such have the title of city clerk, who shall designation, the council may by resdesignation, the council may by res-olution appoint an officer of the city ger until he shall return or his dis-

ability shall cease. SECTION 26: There shall be a dements as may be established by ordinance upon the recommendation.

SECTION 22: Prior to the end of place so advertised, or at any time each fiscal year the council shall and place to which such public able by the lapsing of unencumber-designate qualified public account- hearing shall from time to time be ed appropriation balances at the beants who, as of the end of the fiscal adjourned, the council shall hold a year, shall make an independent public hearing on the budget as audit of accounts and other evi- submitted, at which all interested

of such public hearing, the council may insert new items or may in-crease or decrease the items of the budget, except items in proposed gainst which a complete reserve has maintain any accounts or records of the city business, but, within specifications approved by the council, shall post-audit the books tion 54. The council may not vary the titles, descriptions or conditions other than the general property tax; or which is for a city owned, or op-of administration specified in the the amount of state aid to be re- erated, utility or other public serbudget. Before inserting any additional item or increasing any item city is expected to benefit from taxof appropriation, it must cause to be es collected by the state: the apublished a notice setting forth the mounts estimated to be received nature of the proposed increases and from services and sales, fines and

lic hearing thereon SECTION 35: After such further

the increase or increases, to the amount in each case indicated by a bearing the name of the utility, an antic-mount, but where it shall increase and as to each such utility, an antic-ipated surplus, if legally available mount in each case indicated by the the total proposed expenditures, it shall also increase the total anticipated revenue to at least equal such

total proposed expenditures. SECTION 36: The budget shall be adopted by the favorable votes of at least a majority of all the members of the council.

SECTION 37: The budget shall be finally adopted not later than the actually realized in cash from the (1) Appoint and, when necessary Should the council take no final fiscal year, and that actually realized in the next preceding fiscal year, and that actually realized in the first ten months of the cur-l officers and employees of the budget, as submitted, shall be rent fiscal year plus that to be re-

budget year. A copy of the budget, as finally adopted, shall be certified by the city manager and city clerk and filed in the office of the director of finance or office of the city clerk. The budget so certified shall be SECTION 52: Revenues from the printed, mimeographed or otherwise reproduced and sufficient copies thereof shall be made available for not be stated in an amount which printed, mimeographed or otherwise the use of all offices, departments is in excess of the amount of the reand agencies and for the use of in; ceipts so derived which it is estima-

SECTION 39: From the effective date of the budget, the several amounts stated therein as proposed expenditures shall be and become and purposes therein named.

SECTION 40: From the effective date of the budget, the amount stated therein as the amount to be raiscopy of the budget as finally adopted shall be certified by the city shall declare in writing . be the manager and filed by him with the mount which may reasonap officer, board, or commission whose duty it shall be to levy such taxes

for the corresponding tax year. SECTION 41: The budget message submitted by the city manager to the council shall be explanatory of the budget, shall contain an outline of the proposed financial policies of the city for the budget year and shall describe in connection there-

(a) revenue receipts made availed appropriation balances at the be-ginning of the budget year; (b) receipts from unanticipated

miscellaneous revenues of the pre-(c) receipts from anticipated mis-

cellaneous revenues of the preced-ing fiscal year in excess of the estimates in the budget;

fiscal year from taxes or liens, abeen established.

SECTION 49: Miscellaneous revthe amount of state aid to be re-ceived; the amount by which the fixing a place and time, not less than five days after publication, at which the council will hold a pub-special or non-recurring sources.

SECTION 50: The anticipated revenues and proposed expendit . es of hearing, the council may insert the each utility or other public service stating separately the amount to be additional item or items, and make enterprise owned, or operated, by raised by property tax, and by dethe city, shall be stated in a separate section of the budget (each bearing the name of the utility); for general purposes, shall be stated as an item of miscellaneous rev-

in the budget in an amount in excess of the average of the amount ed by the council. SECTION 38: Upon final adoption, the budget shall be in effect for the shall determine that the facts clear-by warrant the expectation that such ly warrant the expectation that such excess amount will actually be realized in cash during the budget year

> ted will be held in cash on the first day of the budget year.

SECTION 53: No revenue from new source not previously stated in the budget shall be included unless the city manager shall determine expectation that such revenue will be actually realized in cash during the budget year in the amount sta-ted and shall certify such determi-nation in writing to the council. If the new revenue is to be received ed to: the levy for the purposes of the city, from the state, the anticipated a-in the corresponding tax year. A mount shall not exceed the amount anticipated in the budget yea ...

penditures shall be itemized in such form and to such exten: as shall be provided by law, and in the ab-sence of such provision, by regula-tions established by ordinance. Sep-arate provision shall be included in the budget for at least: (a) interest amortization and re-

(a) interest, amortization and redemption charges on the public trol over each office, department debt for which the faith and credit and agency; keep separate accounts

is expected that bonds will be authorized during the budget year, a sum which is not more than two percentum of the amount of bonds to be authorized for that project. For purposes of the down payments, all street improvements expected to be partly financed by the issuance of bonds during the budget year may be considered a single project; so also may all proposed extensions of (d) receipts during the previous the water system, and likewise all extensions of the sewer system. Such an appropriation for a down pay-ment shall not be required before the issuance of bonds to finance any enues shall include anticipated rev-, capital expenditure which is the reenues from the collection of taxes sult of fire, flood or other disaster, vice enterprise, or which is to be met. in part, in cash, labor or materials, by any agency of the government of the United States of America, or of this state.

SECTION 57: At the head of the budget there shall appear a summary of the budget, which need not be itemized turther than by principal sources of anticipated revenue, partments and kinds of expenditures, in such a manner as to present to taxpayers a simple and clear summary of the detailed estimates of the budget.

ARTICLE 5 SECTION 58: The power & the enue in the budget. SECT'ON 51: No miscellaneous suing bonds or otherwise shall be revenue from any source shall be governed by the constitution and included as an anticipated revenue general laws of the state of North Carolina. No indebtedness shall be incurred by the City except by vote of the people except such expenses as are now allowed to be incurred by the constitution and general laws of the state of North Carolina. All bond issues for public improve-ments shall be submitted to the peo-ple for a vote of approval. **ARTICLE 6** SECTION 59: There shall be a de-

partment of finance, the head of which shall be the director of fi-nance, who shall be, or be appointed by, the city manager. SECTION 60: The director of fi-

nance shall have knowledge of municipal accounting and taxation and shall have had experience in budgeting and financial control. SECTION 61: The director of fi-

nance shall receive such salary as the council may agree upon and same may be changed by ordinance

n discretion of the council. SECTION 62: The director of fi nance shall provide a bond with such surety and in such amount as the council may require by ordi-

nance. SECTION 63: The director of finance shall have charge of the ad-ministration of the financial affairs of the city and to that end he shall have authority and shall be requir-

(1) Compile the current expense estimates for the budget for the city

(2) Compile the capital estimates nticipated in the budget yea... (3) Supervise and be responsible SECTION 54: The proposed ex- for the disbursement of all moneys

penditures shall be itemized in such and have control over all expendi-

exercise financial budgetary con-

12) years or until their successors have been elected, qualify and take which the council shall meet regu-office as provided in section 15. SECTION 5: Councilmen shall be scribed by its rules, but not less fre-shall hold no other public office ex-ber of the National Guard or Naval. SECTION 16: The council shall be ports of receipts and disbursements from each receiving and spending agency of the city government to be made daily or at such intervals as he may deem expedient; (5) Submit to the council through the city manager a monthly statements in sufficient detail to show the exact financial condition of the (6) Prepare for the city manager, as of the end of each fiscal year, a complete financial statement and report (7) Supervise and be responsible city for taxation, make all special (g) an amount equal to the aggre-gate of all special revenue notes (g) to the city govern-ment, prepare tax maps and give such notice of taxes and special assessments as may be required by (8) Collect all taxes, special assessments, license fees and other revenues of the city or for whose collection the city is responsible and receive all money receivable by the city from the state or federal gov-ernment, or from any court, or from any office, department or agency of (9) Have custody of all public the city; funds belonging to or under the control of the city, or any office, department or agency of the city gov-ernment, and deposit all funds coming into his hands in such depositories as may be designated by res-olution of the council or if no such resolution be adopted, by the city manager, subject to the require-ments of law as to surety and the payment of interest on deposits, but all such interest shall be the prop-erty of the city and shall be ac-counted for and credited to the proper account. (10) Have custody of all invest-ments and invested funds of the city government, or in possession of such government in a fiduciary capacity, and have the safekeeping of all bonds and notes of the city and the receipt and delivery of city bonds and notes for transfer, registration or exchange; (11) Supervise and be responsible for the purchase, storage and distri-bution of all supplies, materials, e-quipment and other articles used by any office, department or agency of the city government; (12) Approve all proposed exper ditures; unless he shall certify that there is an unencumbered balance of ' appropriation and available funds, no appropriation shall be en-cumbered and no expenditure shall be made. SECTION 64: Before the beginning (Cont'd on next page)

cept that of Notary Public or mem-ber of the National Guard or Naval or Military Reserve. If a Councilman shall cease to possess any of these qualifications or shall be convicted of crime involving moral turpitude, his office shall immediately SECTION 6: The annual salary of

Councilmen shall be \$120.00 until changed by ordinance, but shall not be increased during the current term of Councilmen enacting such ordinance

SECTION 7: At the same time and in the same manner provided in article. 8 of this charter for the election of the five members for. City Council there shall be elected a Mayor at large, for a term of two (2) years or until his successor has been elected qualifies and takes office as provided in section 15 of this charter. The candidate receiving a majority of the qualified votes for the office of Mayor cast by the entire city shall be declared elected. He shall preside at all council meetings and shall be recognized as head of the City Government for all ceremonial purposes and by the Governor for the purpose of Military Law, but shall have no regular adminitrative duties, except in case of a tie vote he s h by vote break the tie. He shall receive as compensa-tion for his services \$600.00 annual salary

SECTION 8: All powers of the city and the determination of all matters of policy shall be vested in the council. Without limitation of the foregoing, the council shall have power to:

(1) Appoint and remove the city manager;

(2) Establish other administrative departments and distribute the work of divisions;

(3) Adopt the budget of the city: (4) Authorize the issuance bonds by a bond ordinance;

(5) Inquire into the conduct of any office, department or agency of the city and make investigations as to municipal affairs;

(6) Appoint the members of the personnel board:

(7) Appoint the members of the planning commission:

(8) Appoint the members of the zoning board of appeals;

(9) Adopt plats;(10) Adopt and modify the official map of the city.

(11) Regulate and restrict the height and number of stories buildings and other structures, the size of yards and courts, the density of populations and the location and use of buildings for trade, industry, busin dence or other purpose; business, resi-

(12) Provide for safe and sani-

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open to the public. SECTION 16: The council shall be

the judge of the election and quali- chiefs of divisions. fications of its members and for production of records, but the decase shall be subject to review by the courts.

SECTION 17: The council shall determine its own rules and order of business. It shall keep a journal of is proceedings and the journal shall be open to public inspection. SECTION 18: In addition to such

SECTION 18: In addition to such acts of the council as are required by statute or by this charter, every act of the council establishing a the first government shall begin on act of the council establishing the "The Council of the City of Kings Mountain Hereby Ordains:"

SECTION 19: Every ordinance which 't is administered. shall be introduced in writing in the SECTION 30: The city manager, form in which it is to be finally at least thirty-five days prior to the passed, and after passage on first once together with a notice of the time and place when and where it first such publication shall be at vertised.

shall from time to time be adjourned, such ordinance shall be read, and after such reading, all persons interested shall be given an oppor-

unity to be heard. SECTION 21: After such hearing, he council may finally pass such ordinance with or without amendment, except that if it make an amendment which constitutes a hange of substance, it shall not fihally pass the ordinance until it estimates, as he may deem advisashall have caused the amended sec- ble ions to be published at least once, ogether with a notice of the time and place when and where such amended ordinance will be further considered, which publication shall be at least three days prior to the city manager shall cause sufficien; time stated. At the time so adver- copies of the budget and budget ised or et any time and place to which such meeting shall be adourned, the amended ordinance shall be read in full and a public hearing thereon shall be held and after such hearing the governing body may finally pass such amend-

SECTION 28: The work of each such purpose shall have power to department may be distributed a shall include a statement of pendsubpoena witnesses and require the mong such divisions thereof as may ing capital projects and proposed cision of the council in any such the recommendation of the manager. Pending the passage of an ordinance or ordinances distributing the work of departments under the supervision and control of the manager among specific divisions thereof, the manager may establish tem-

porary divisions.

the first day of July and shall end fine or other penalty or providing on the last day of June of each cal-for the expenditure of funds or for endar year. Such fiscal year shall contracting of indebtedness, also constitute the budget and acshall be by ordinance. The enacting counting year. As used in this char-clause of all ordinances shall be, ter, the term "budget year" shall "The Council of the City of Kings mean the fiscal year for which any particular budget is adopted and in

at least thirty-five days prior to the beginning of each budget year, shall reading shall be published at least submit to the council a budget and an explanatory budget message in the form and with the contents prowill be given a public hearing and vided by sections 42 to 58 of this be considered for final passage. The charter. For such purpose, at such date as he shall determine, he, or an east one week prior to the time ad- officer designated by him, shall obtain from the head of each office, SECTION 20: At the time and department or agency estimates of place so advertised, or at any time revenue and expenditures of that revenue and expenditures of that and place to which such hearing office, department or agency, detailed by organization units and character and object of expenditure, and such other supporting data as he may request; together with an estimate of all capital projects that should be undertaken (a) within the budget year and (b) within the five next succeeding years. In preparing the budget, the city manager shall

review the estimates, shall hold hearings thereon and may revise the SECTION 31: The budget and budget message and all supporting schedules shall be a public record in the office of the city clerk open

to public inspection by anyone. The message to be prepared for distribu-

tion to interested persons. SECTION 32: At the meeting of the council at which the budget and budget message are submitted, the council shall determine the place subject to the same conditions. The second passage of any ordinance pursuant to this charter shall be final and no further passage shall be required. The publication, at which the council will hold a public hearing. SECTION 33: At the time and clude:

departments may also serve as payments and other proposed penditures for capital projects stated in the budget, the city manager be established by ordinance upon new capital projects, relating the respective amounts proposed to be raised "erefor by appropriations in the budget and the respective a-

during the budget year. SECTION 43: The city manager shall also include in the message, (f) an am

or attach thereto, a capital program of proposed capital projects for the five fiscal years next succeeding the budget year, prepared by the planning commission, together with his comments thereon and any estimates of costs prepared by the department of public works or other office, department or agency. For the use of the planning commission in preparing such capital program, copies tax:

of the departmental estimates of capital projects, filed with the city manager pursuant-to section 31 of this article, shall be filed with the commission. SECTION 44: Attached to the bud-

get message shall be such support-ing schedules, exhibits and other explanatory material, in respect to both current operations and capital improvements, as the city manager shall believe useful to the council. SECTION 45: The budget shall provide a complete financial plan for the budget year. It shall contain in tabular form:

(a) a general summary;

(b) detailed estimates of all anticipated reveaue applicable to pro- ture; posed expenditures;

(c) all proposed expenditures. The total of such anticipated revenues shall equal the total of such

proposed expenditures. SECTION 46: Anticipated revenues shall be classified as "surplus, "miscellaneous revenues" and "a mount to be raised by property tax" miscellaneous , revenues shall be sub-classified by sources and shall be estimated as prescribed in sec-tions 50 and 54 of this article.

SECTION 47: In parallel columns opposite the several items of antiripated revenues there shall be placed the amount of each such items in

actually received during the year, the amounts of each such item. in the budget of the current fiscal year y may finally pass such amend and time of the public hearing on and the amount actually received ordinance, or again amend it the budget, and shall cause to be to the time of preparing the budget

ex. failed to equal the total of the budget estimates of receipts from miscellaneous revenues in that year.

(e) an amount equal to the aggregate of all taxes levied for the third fiscal year prior to the budget year which are delinquent and outstand- ment of all receipts and disburseing on the sixtieth day prior to the beginning of the budget year, except mounts if any, proposed to be rais to the extent the city may have city; ed therefor by the issuance of bonds made provision therefor by reserv. (6 ing the full amount of said deling-

> (f) an amount equal to the aggregate of all cancellations, remissions, abatements and refunds of taxes, for the assessment of all property that have been made during the cur-within the corporate limits of the

which it is estimated will be outstanding at the end of the current year in anticipation of the collection law; of revnues other than the property

(h) an amount equal to the aggregate of all emergency notes which it is estimated will be outstanding at the end of the current year; (i) if the city is required to make

up the deficit arising from the oper-ations of utility or other public service enterprises, an amount equal to the deficit from such operations during the last completed fiscal year, separately stated for each utility or other public service enterprise which appears in a separate section of the budget:

(j) administration, operation and maintenance of each office, depart-ment or agency of the city itemized by character and object of expendi-

(k) contingent expense in an amount not more than ten per centum of the total amount stated pursuant to subsection (j) of this section:

(1) expenditures proposed for cap-ital projects, including provisions for down payments on capital pro-jects, as required by section 56 of

this charter. SECTION 55: In parallel columns opposite the several items of pro-posed expenditures, there shall be placed the amount of each such item in the budget of the last completed fiscal year, the amount of such items actually expended durthe budget of the last completed fis- ing the current year and the a-cal year, the amounts of such items mount actually expended to the time of preparing the budget plus the expenditures for the remainder of the current fiscal year estimated as accurately as may be. SECTION 56: Under the special

caption of "down payments on capi-tal projects," as provided in sub-sec-tion (1) of section 54 of this charter, there shall be separately stated as to each capital project for which it

1. A. C. C. A.