

## THE CHARTER

*(Amended on 4-20-81, 03-17-82, 03-25-87, 07-19-89, 10-01-96, 09-06-97, & 07-01-2001)*

The North Carolina Municipal Board of Control, having approved an Order of Incorporation for the Town of River Bend on August 12, 1980, hereby prepares and issues a Charter for the Town of River Bend, pursuant to G.S. § 160A-9.4, as follows:

### CHARTER OF THE TOWN OF RIVER BEND

#### Section I. Incorporation

That the inhabitants of the Town of River Bend shall be, and continue to be a body politic and corporate, and henceforth the corporation shall bear the name and style of the "Town of River Bend", and under such name and style is hereby vested with all the property, property rights and powers which may belong to a municipal corporation in North Carolina in conformity with the provisions of this Charter and the general law of North Carolina.

#### Section II. Corporate Boundaries

*Amend. 07-19-89*

*(per House Bill 816 of the General Assembly of North Carolina, 1989 Session, effective 07/19/89.)*

The corporate limits of the Town of River Bend are as follows:

Lying and being situated in number eight township, Craven County, North Carolina, described as follows: Beginning at a point in the centerline of secondary road Number 1307 (formerly secondary road number 1221), which said point of beginning is identified with the letter "D" on that certain map or plat entitled Trent Estates, which said map was prepared by Albert R. Bell, C.E., on April 5, 1966 and which said map appears of record in the office of the Register of Deeds of Craven County in map book 10 at Page 72 and running thence from said point of beginning, so located South 30 degrees 45 feet East 30.0 feet to a point on the Southern right of way line of Secondary Road Number 1307, thence in a Westwardly direction along and with said Southern right of way line of secondary road number 1307 to its intersection with the Southern right of way line of U.S. Highway No. 17; Thence with the Southern right of way line of U. S. Highway Number 17 in a Westwardly direction to its intersection with Canoe Branch; Thence in a Southern direction with the centerline of Canoe Branch to a marked gum on Canoe Branch, thence down and with the centerline of said Canoe Branch the following courses and distance; South 00 degrees 50 feet East 162.0 feet, South 14 degrees 30 feet East 142.0 feet, South 10 degrees 45 feet East 245.0 feet, South 65 degrees 45 feet East 150.0 feet, South 40 degrees 20 feet East 185.0 feet, South 12 degrees 15 feet East 248.0 feet, South 1 degree 30 feet West 387.5 feet, South 6 degrees 10 feet West 43.0 feet, South 23 degrees 15 feet West 377.0 feet, South 26 degrees 25 feet East 108.0 feet, South 68 degrees 50 feet East 152.0 feet, North 66 degrees 00 feet East 106.0 feet, North 63 degrees 40 feet East 160.0 feet to the mouth of the aforesaid Canoe Branch at Trent River; Thence down and with the run of Trent River (including a 14 acre island which lies north of the main run of said river) to the center of the run of the body of water sometimes known as the Thoroughfare, which connects Samuel's Creek, as shown on the above-mentioned map, with Trent River; Thence northwestwardly along and with the center of the run of said body of water (sometimes known as the Thoroughfare) to the center of the run of Samuel's Creek (specifically excluding the

island designated on the above-mentioned map with the word, "Mitchell Island-B.H. Oates"); Thence continuing in a generally northwestward direction, along and with the center of the run of Samuel's Creek to its intersection with Rocky Run Branch; Thence with the centerline of Rocky Run Branch to its intersection with the Southern right of way of U.S. Highway No. 17; Thence with the Southern Right of Way Line of U.S. Highway No. 17 to a Curve to the Right having a radius of 1,863.62 feet and Arc Length of 589.43 feet to a point of Tangent on said right of way line; Thence continuing with said Right of Way line S67 degrees 50 feet West 1847.15 feet to a point; thence crossing said highway North 22 degrees 10 feet West 150.0 feet to a point on the Northern right of way line of said U.S. Highway 17, the Southeastern corner of Springdale Subdivision; thence with the Northern right of way line of said U. S. Highway No. 17; South 67 degrees 37 feet West 1,313.45 feet to an iron stake, the Southwestern corner of said Springdale Subdivision; Thence North 22 degrees 23 feet West 741.09 feet to an iron stake; thence North 69 degrees 43 feet 03 inches East 949.23 feet to an iron stake; thence South 62 degrees 45 feet 03 inches East 563.44 feet to an iron stake; thence South 22 degrees 22 feet 03 inches East 277.0 feet to an iron stake on the Northern right of way line of U.S. Highway No. 17; thence South 22 degrees 10 feet West 150 feet to a point on the Southern right of way line of U.S. Highway No. 17; thence with the Southern right of way line of U.S. Highway No. 17 South 67 degrees 50 feet West to a point in the right of way of said highway which lies N 21 degrees 00 feet West from a point designated by the letter "C" on the above mentioned map; thence continuing with said Southern right of way line South 67 degrees 50 feet West 2,271.2 feet to an iron stake, the Northwestern corner of Piner Estates; thence South 27 degrees 29 feet 38 inches East 528.53 feet to an iron stake, the Southwestern corner of Piner Estates, thence with the Southern line of Piner Estates North 53 degrees 05 feet 15 inches East 1186.76 feet and North 69 degrees 00 feet East 1106.85 feet to an iron stake, the Southeastern corner of Piner Estates; thence South 21 degrees 00 feet East to the centerline of Secondary road No. 1307, (this point being designated by the letter "C" on the above-mentioned map); thence North 69 degrees 00 feet East along and with the centerline of said road 254.0 feet; thence continuing along and with the centerline of said road North 63 degrees 20 feet East 233.0 feet; thence continuing along and with the centerline of said road North 57 degrees 30 feet East 76.8 feet to the point of beginning.

### **Section III. Composition, Terms and Mode of Election of Town Council and Mayor**

*Amend 4-20-81 & 3-17-82*

The Town Council shall consist of five (5) members. Members of the Council shall serve terms of four years. The Mayor shall serve a four year term and shall have the right to vote only where there is a tie vote excluding his vote or where the issue is the appointment of officers. The Mayor shall have no right to break a tie vote in which he participates.

*Amend. 9-15-2004*

*It is the intent of the Town Council to proceed with the change of term of office in a manner that would result in one-half of the governing body being elected in each -election cycle. To accomplish this division of term duration, in the 2005 election, the position of Mayor will be advertised as a two-year term the Council positions will be advertised as being divided between two and four-year terms. The three Council candidates who receive the highest number of votes will be elected to four-year terms. The two candidates receiving the next highest number of votes will be elected to two-year terms. In subsequent elections, all candidates, including the mayor, will be elected to four year terms.*

*Added 9-15-2004*

All candidates shall be elected by all the qualified voters of the Town. Nonpartisan plurality elections shall be held by the County Board of Elections pursuant to Articles 23 and 24 of Chapter 163 of the General Statutes of North Carolina and shall be conducted as provided in G.S. § 163-292.

The members of the Town Council and the Mayor elected at the municipal election held in conjunction with the incorporation referendum shall serve until the next regular municipal election which shall be held on Tuesday after the first Monday in November of 1981 as provided in G.S. § 163-279(1).

## **Section IV. Form of Government**

*(Form of Government was changed from "Mayor-Council" to "Council Manager" effective July 1, 2001 and upon approval of the people. A Special Election was held on June 5, 2001 and the change was approved)*

The Town shall operate under the "Council-Manager" form of government in accordance with Part 2, Article 7, Chapter 160A of the North Carolina General Statutes, and any Charter provisions not in conflict therewith. *[See Town Charter Ordinance amendment adopted by Town Council on April 18, 2001.]*

From and after the Effective Date of this Charter the territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations which shall be adopted by the Town of River Bend.

## **Section V. Budget for Fiscal Year 1980-81**

*(Per House Bill 225 of the General Assembly of North Carolina, 1981 Session, effective 03/25/81.)*

The City of River Bend Plantation is authorized to adopt a budget and levy property taxes for the period from January 14, 1981 through June 30, 1981. In adopting the budget and levying taxes for fiscal year 1980-81, the Town Council need not follow the schedule of action set forth in the Local Government Budget and Fiscal Control Act, but shall observe the sequence of action in the spirit of the act insofar as is practical.

Property taxes levied by the City of River Bend Plantation for fiscal year 1980-81 shall be prorated in accordance with G.S. § 160A-58.10 as if the city were territory annexed on January 14, 1981, except that the prorated taxes shall be due and payable on the first day of the calendar month next succeeding the ninetieth day after adoption of the budget. If taxes are not paid by such date, there shall be added to the taxes interest at the rate of two percent (2%). On or after the first day of the next month, there shall be added to the taxes, in addition to the two percent (2%), interest at the rate of three-fourths of one percent (3/4%) per month or fraction thereof until the taxes plus interest have been paid.

## **Section VI. Annexation & Extraterritorial Jurisdiction** *Amend 03-25-87 & 09-06-97*

*(Per House Bill #63 of the General Assembly of North Carolina, 1997 Session, effective 09-06-97.)*

(a) The city must hold a referendum on whether to annex an area into the city if the city council receives a petition opposing the annexation signed by twenty-five percent (25%) of the registered voters who own real property in the area proposed to be annexed. The petition must be received by the city council no later than the adjournment of the public hearing required to be held under G.S. 160A-37. If the city council receives such a petition, then the annexation ordinance shall become effective only if approved by the voters of the area proposed to be annexed.

(b) If a referendum is required under subsection (a) of this section, the city council shall order the board of elections which conducts elections for that city to call an election to determine whether or not the proposed territory shall be annexed to the city or town. Within 90 days after receiving such order from the governing body, the county board of elections shall proceed to hold an election on the question.

Such election shall be called by a resolution or resolutions of said county board of elections which shall:

A. Describe the territory proposed to be annexed to the said city or town as set out in the order of the said local governing body;

B. Provide that the matter of annexation of such territory shall be submitted to the vote of the qualified voters of the territory proposed to be annexed; and

C. Provide for registration of voters in the territory proposed to be annexed for said election in accordance with G.S.-163-288.2.

Said resolution shall be published in one or more newspapers of the said county once a week for 30 days prior to the closing of the registration books. All costs of holding such election shall be paid by the city or town. Except as herein provided, the election shall be held under the same statutes, rules, and regulations as are applicable to elections in the municipality whose corporate limits are being enlarged.

At such election the question on the ballot shall be:

[ ] FOR [ ] AGAINST  
Annexation.'

If at the election a majority of the votes cast from the area proposed for annexation shall be 'For Annexation', the annexation ordinance shall become effective as provided by this Part.

(c) The Town of River Bend has jurisdiction under Article 19 of Chapter 160A of the General Statutes over the following described territory:

TRACT ONE

Lying and being situated in Number Eight Township, Craven County, North Carolina and described as follows:

BEGINNING at a point on the southern right-of-way line of U.S. Highway 17, said point being the northwest corner of plan of Piner Estates recorded in Plat Cabinet D, Slide 666, Craven County Registry; thence from said point of beginning along and with westernmost line of said Piner Estates S27 degrees 29'38"W 528.53 feet to the northwesternmost corner of lot No. 1, Craven Woods Subdivision recorded in Plat Cabinet C, Slide 41, Craven County Registry; thence along and with line between aforesaid Piner Estates and Craven Woods Subdivisions N53 degrees 05'15"E 1186.76' to a point; thence continuing with said line N69 degrees 00' E 1106.85 feet to a point, the southeasternmost corner of Lot 1, Piner Estates; thence, S29 degrees 34'19"E to the centerline of secondary road No. 1307, (this point being designated by the letter "C" on that certain map or plat entitled Trent Estates recorded in Map Book 10, Page 72, Craven County Registry); thence continuing S29 degrees 34'19"E 30.0 feet to a point on the southern right-of-way line of secondary road No. 1307; thence with said southern right-of-way line of secondary road No. 1307 in a westwardly direction to a point on said southern right-of-way line where 'Harris' easternmost line extended southwardly would intersect said right-of-way line; thence, N 00 degrees 12'17"W 199.96 feet to a point; thence with said Harris easternmost line N84 degrees 45'48"W 95.12 feet to a point; thence N3 degrees 11'55"E 147.81' to a point on the southern right-of-way line of U.S. Highway No. 17; thence, with said southern right-of-way line of U.S. Highway No. 17, S67 degrees 00' W 493 feet to a point at the intersection of said southern right-of-way line of U.S. Highway 17 and Canoe Branch; thence in a northerly direction with said Canoe Branch to its intersection with the centerline of Seaboard Coastline Railway, now abandoned; thence with said centerline of Seaboard Coastline Railway in an easterly direction to a point where the western line of Hidden Oaks Subdivision, recorded in Plat Cabinet D, Slide 455, Craven County Registry, extended would intersect said centerline; thence S25 degrees 51'58"E 62.5 feet to the northwestern corner of said Hidden Oaks Subdivision; thence with said northernmost line of Hidden Oaks Subdivision N69 degrees 43'03"E 3, 111.74 feet to the northeast corner of said Hidden Oaks Subdivision S22 degrees 23'E 731.08 feet to a point on the northern right-of-way line of U.S. Highway No. 17; thence continuing S22 degrees 23'E 150.0 feet to a point on the southern right-of-way line of U.S. Highway No. 17; thence with said southern right-of-way line of U.S. Highway No. 17, S67

degrees 48'50"W 727.98 feet to the northeastern corner of aforesaid Piner Estates; thence continuing with said southern right-of-way line S67 degrees 48'50"W 2,271.20 feet to the Point of Beginning.

## TRACT TWO

Lying and being situated in Number Eight Township, Craven County, North Carolina and described as follows:

BEGINNING at the south easternmost corner of Lot No. 18, Plan of Springdale Subdivision recorded in Plat Cabinet D, Slide 623, Craven County Registry; said corner being on the northern right-of-way line of U.S. Highway No. 17; thence along and with the easternmost line of aforesaid Springdale Subdivision N22 degrees 22'03"W 277.0 feet to a point; thence S62 degrees 05'E to the northwestern corner of Lot 79, Plan of Deerfield Subdivision, Phase 3, recorded in Plat Cabinet E, Slide 333, Craven County Registry; thence with northernmost line of aforesaid Deerfield Subdivision, Phase 3, N66 degrees 50'56"E 473.81 feet to a point; thence N50 degrees 07'40"E 281.86 feet to a point on the western right-of-way line of Forest Oaks Drive; thence with western right-of-way line of Forest Oaks Drive S42 degrees 22'20"E 200.19 feet to the northern right-of-way line of Rocky Run Road; thence with said right-of-way of Rocky Run Road S03 degrees 28'20"E 97.78 feet to a point on the northern right-of-way line of U.S. Highway No. 17; thence S66 degrees 50'56"W along and with said northern right-of-way line of U.S. Highway No. 17 to the Point of Beginning."

**Section 2.** This act becomes effective 30 days after it becomes law.

In the General Assembly read three times and ratified this the 6th day of August, 1997.

## Section VII. Recall

*Added 10-01-96*

*(Per House Bill #1395 of the General Assembly of North Carolina, 1995 Session, effective upon approval by the people. A Special Election was held on 10-01-96 and the change was approved.)*

The Mayor and members of the Town Council are subject to removal pursuant to this section. An officer is removed upon the filing of a sufficient recall petition and the affirmative vote of a majority of those voting on the question of removal at a recall election.

A recall petition shall be filed with the Town Clerk, who shall immediately forward the petition to the board of elections that conducts elections for the Town of River Bend. A petition to recall the Mayor or a member of the Town Council shall bear the signatures equal in number to at least twenty-five percent (25%) of the registered voters of the Town of River Bend.

The board of elections shall verify the petition signatures. If a sufficient recall petition is submitted, the board of elections shall certify its sufficiency to the governing body, and the governing body shall adopt a resolution calling for a recall election to be held not less than 60 days nor more than 100 days after the petition has been certified to the governing body. The election may be held by itself or at the same time as any other general or special election within the period established in this section, and shall be held as otherwise provided in G.S. § 163-287. The board of elections shall conduct the recall election. The proposition submitted to the voters shall be substantially in the following form:

"[ ] FOR [ ] AGAINST  
The recall of [name of officer]"

The registered voters of the Town of River Bend are eligible to vote in an election to recall the Mayor or a member of the Town Council.

If less than a majority of the votes cast on the question are for the officer's recall, the officer continues in office. If a majority of the votes cast on the question are for the officer's recall, the officer

is removed on the date the board of elections certifies the results of the election. A vacancy created by removal of a member of the Town Council or the Mayor shall be filled in accordance with the provisions of G.S. § 160A-63.

No petition to recall an officer may be filed within six months after the officer's election to the governing body nor within six months before the expiration of the officer's term. No more than one election may be held to recall an officer within a single term of office of that officer."

### **Section VIII. Initiative and Referendum**

*Added 10-01-96*

*(Per House Bill #1395 of the General Assembly of North Carolina, 1995 Session, effective upon approval by the people. A Special Election was held on 10-01-96 and the change was approved.)*

(a) **Initiative power.** The qualified voters of the Town of River Bend have the power under this section to propose any ordinance to the Town Council which the Town Council has the power to adopt under this Charter or general law, except a budget ordinance, a bond order, a franchise ordinance, or an amendment to the Charter to change the Town's form of government to one of the alternatives set forth in G.S. §160A-101.

The initiative process may be used to repeal any ordinance that could be proposed under the initiative process except that it may not be used to repeal any ordinance affirmed by a referendum election within one year after the referendum vote. If the governing body fails to adopt the ordinance without substantive change, the voters have the power to approve or reject the proposed ordinance. These powers comprise the initiative power.

(b) **Referendum power.** The qualified voters of the Town of River Bend have the power to require reconsideration by the governing body of any adopted ordinance, except a budget ordinance, a bond order, a franchise ordinance, or any ordinance that by law may not be adopted without prior public notice and a public hearing. If the governing body fails to repeal an ordinance which it has been required to reconsider, the voters shall have the power to approve or reject the referred ordinance at the polls. These powers comprise the referendum power.

(c) **Commencement of proceedings.** Five or more registered voters of the Town of River Bend may commence an initiative or referendum petition by filing with the Town of River Bend Clerk an affidavit stating that they will constitute the petitioners' committee and will be responsible for circulating the petition and filing it in proper form.

(d) **Signatures.** An initiative or referendum petition shall bear the signatures equal in number to at least fifteen percent (15%) of the registered voters of the Town of River Bend.

(e) **Form and content.** Within 90 days of the effective date of this section, the governing body shall by ordinance specify the form and content of a petition and procedures for initiative and referendum elections, consistent with the provisions of this Charter and consistent with generally recognized form and content requirements and procedures for initiative and referendum petitions and elections.

(f) **Time for filing.** An initiative petition may be filed at any time. A referendum petition must be filed within 30 days after adoption by the governing body of the ordinance sought to be reconsidered.

(g) **Certification.** The petition shall be filed with the Town Clerk and signatures shall be verified by the board of elections conducting elections for the Town. The governing body shall by ordinance adopt reasonable, generally recognized procedures for certifying the sufficiency of a petition. The governing body shall provide in the ordinance reasonable time limits for completing the certification of sufficiency of the petition.

(h) **Suspension of effectiveness of referred ordinance.** When, within the time allowed, a

referendum petition is filed with the Town Clerk, the effectiveness of the ordinance sought to be reconsidered is suspended. The suspension of the effectiveness of the ordinance shall terminate when:

- (1) There is a final determination that the petition is insufficient;
- (2) The petitioners' committee withdraws the petition as set forth in subsection (k) of this section; or
- (3) The Board of Elections certifies that the repeal of the ordinance has been rejected in an election.

(i) **Consideration.** When an initiative or referendum petition has been finally determined to be sufficient, the governing body shall promptly consider it.

(j) **Submission to voters.** With respect to ordinances, if the governing body fails to adopt without substantive change an ordinance proposed by initiative petition or fails to repeal a referred ordinance within 60 days after the date on which the petition was certified as sufficient, the Town Council shall cause the proposed ordinance or the referred ordinance to be submitted to the voters of the Town of River Bend. The vote on the proposed ordinance or the referred ordinance shall be held within 150 days of the date on which the petition was certified as sufficient.

(k) **Withdrawal.** The petitioners' committee, being those registered voters named in the affidavit commencing the initiative or referendum, may withdraw the initiative or referendum petition at any time prior to the fifteenth day immediately preceding the day scheduled for a vote on the proposed or referred ordinance. The written request for withdrawal shall be signed by at least eighty percent (80%) of the members of the petitioners' committee and must be filed with the Town Clerk. The filing of the request withdraws the petition. A withdrawn petition has no further effect and all proceedings are terminated.

(l) **Effective date.** With respect to ordinances, if a majority of those voting in an initiative election approve the proposed ordinance, it shall become an ordinance of the Town of River Bend on the date the results of the election are certified or a later effective date specified in the proposed ordinance, provided that the governing body may make non-substantive changes to the ordinance that it deems necessary or desirable.

(m) **Effect of referendum.** If a majority of those voting in a referendum election approve the repeal of the referred ordinance, it is repealed on the date the results of the election are certified. If less than a majority of those voting in the election approve the repeal of the ordinance, the ordinance is an ordinance of the Town of River Bend and shall become effective on the date the results of the election are certified or a later effective date specified in the referred ordinance.

