

## CHARTER\*

### Art. I. Historical Background

- Div. 1. Private Laws Of 1883, Chapter 103
- Div. 2. Private Laws Of 1885, Chapter 5
- Div. 3. Private Laws Of 1905, Chapter 415
- Div. 4. Private Laws, Extra Session 1920, Chapter 54
- Div. 5. Public Local Laws Of 1939, Chapter 350

### Art. II. Town Charter Amended

#### ARTICLE I. HISTORICAL BACKGROUND

##### DIVISION 1. PRIVATE LAWS OF 1883, Chapter 103

**Section 1.** That the Town of Maiden, in the County of Catawba, be and the same is hereby incorporated by the name and style of the Town of Maiden, and shall be subject to all the provisions contained in the One Hundred and Eleventh Chapter of the Revised Code, not inconsistent with the laws of this State, or of the United States.

**Section 2.** That the corporate limits of said town shall be as follows--one half mile east, west, north and south from the center of Maiden Cotton Mills.

**Section 3.** The officers of said incorporation shall consist of a Mayor, three Commissioners and a Constable, and the following named persons shall fill said offices, until the first Monday in May, one thousand eight hundred and eighty three; or until their successors in office are elected and qualified -- to-wit: for Mayor, J.P. Robb - for Commissioners, Alexander Keener, Alexander Cline, Amzi Stine, and for Constable, Daniel Boyd.

**Section 4.** There shall be an election held for the officers mentioned in Section 3 of this Act, on the first Monday in May, one thousand eight hundred and eighty three, and each succeeding year, thereafter, under the same rules and regulations, and restrictions that state and county elections are held, and all citizens within said corporation, who have resided twelve months in the state and ninety days in the corporate limits of said town, previous to the day of election, shall be entitled to vote at said election.

**Section 5.** It shall be the duty of the Commissioners to meet and organize within twenty days after their election, or appointment and take the following oath of office: "I, A. B., do solemnly swear, or affirm, that I will faithfully act and discharge 'the duties of Commissioner to the best of my knowledge and ability, for the ensuing year, so help me, God."

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**\*Editor's note:** Printed herein is the Charter of the Town of Maiden, North Carolina, consisting of the original Charter set out in the Private and Public Local Laws of North Carolina and printed in the article called Historical Background together with the Charter amendment in Article II.

**Section 6.** That said Commissioners shall have power to pass all by-laws, rules and regulations for the good government of the corporation, not inconsistent with the laws of this State, or of the United States; and to levy and collect a tax on all subjects of State taxation, not to exceed one half of the State tax, and to abate all nuisances, and for that purpose, may impose such fines as may be necessary to abate them. And it shall be the duty of said Commissioners to expend the taxes and fines in repairing the streets and for the necessary expenses of said town.

**Section 7.** That the Mayor, before entering upon the duties of his office, shall go before some person authorized to administer oaths, and take and subscribe the oath of a Justice of the Peace of this State.

Section 8. That the Constable provided for by this act, before entering upon the duties of his office, shall go before the Mayor, or some other person authorized to administer an oath, and take the oath usually taken by Constables.

**Section 9.** That the said Commissioners shall have power to take bonds of the Constable or other officer of the corporation.

**Section 10.** That said Commissioners, for the purpose of the election of the officers mentioned in this act, shall have power to appoint a Registrar and Inspectors of election, to hold the elections as provided by law, for election of County Officers and members of the General Assembly in this State.

**Section 11.** That no person or persons shall sell any spirituous liquors within the limits of said town, without first having a license for that purpose from the Commissioners of said corporation, the amount to be fixed by said Commissioners in the by-laws.

**Section 12.** This act shall be in force from and after its ratification.

#### **DIVISION 2. PRIVATE LAWS OF 1885, Chapter 5**

**Section 1.** That Section Three of Chapter One Hundred and Three, Private Laws of 1883, be amended by inserting the names of J.F. Rabb for Mayor and D.M. Carpenter, J.P. Rabb and S.A. Ramsour for Commissioners of Aldermen instead of J.P. Rabb, Alexander Keener, Alexander Cline and Amzi Stine, and that Robert Winters be appointed Constable instead of Daniel Boyd, and that Mayor, Alderman and Constable when qualified shall hold their office until the first Monday in May, 1885, or until their successors are duly elected and qualified.

**Section 2.** That said Chapter 103, Private Laws of 1883, as so amended is hereby declared to be in full force and effect.

**Section 3.** That this act shall be in force from and after its ratification.

#### **DIVISION 3. PRIVATE LAWS OF 1905, Chapter 415**

**Section 1.** That the Private Laws of 1883, Chapter One Hundred and Three, be amended by adding to Section Two thereof, the following:  
"That the eastern boundary of the corporate limits of the Town of Maiden, N.C., shall be the Island Ford Road; the Southern boundary of this extension be one block South of the Old State Road, and parallel with said Old State Road, extending East to the said Island Ford Road, the Northern boundary of this

extension to be three blocks North of the Old State Road, and parallel with said Old State Road, to the said Island Road."

**Section 2.** That this act shall be in force from and after its ratification.

**DIVISION 4. PRIVATE LAWS, EXTRA SESSION 1920, Chapter 54**

**Section 1.** That the Private Laws of One Thousand Eight Hundred and Eighty-three, Chapter One Hundred and Three, be amended by adding to Section Two thereof the following in addition to the amendment of One Thousand Nine Hundred and Five, viz: *That the corporate limits of the Town of Maiden, North Carolina, shall be extended by beginning at a stone in a small branch in the present northern boundary of the said corporate limits, a little northwest of the Carolina Cotton Mills building, and running down said branch to a stone in Maiden Creek; thence nearly each up said creek to a stone where the boundary line of said town and the said Maiden Creek intersect.*

**Section 2.** That Section Three of said Private Laws of One Thousand Eight Hundred and Eighty-three shall be amended by adding to Section Three thereof the following, viz: *That the Constable provided for in said section shall be appointed or elected by the Town Commissioners instead of elected by the people as provided for in said Section and Charter of the Town of Maiden.*

**Section 3.** That all laws and parts of laws in conflict with this act are hereby repealed.

**Section 4.** That this act shall be in force from and after its ratification.

**DIVISION 5. PUBLIC LOCAL LAWS OF 1939, Chapter 350**

**Section 1.** That Section Four of Chapter 103 of the Private Laws of One Thousand Eight Hundred Eighty Three be amended by adding at the end of said section the following hereinafter act out section.

**Section 2.** That all candidates for Mayor or Members of the Board of Aldermen or Commissioners of the Town of Maiden, or some citizen of good moral character in behalf of the candidate shall file with the Clerk to the Board, written notice of their desire to become a candidate and pay to said clerk a fee of \$1.00 and upon receipt of the written notice and the sum of \$1.00 the Clerk to the Board shall acknowledge same in writing, provided the notice and the \$1.00 is received on or before the 2nd Monday in April, Nineteen Hundred Thirty Nine, and on the same date each and every year thereafter.

**Section 3.** That on the first Monday in May Nineteen Hundred Thirty Nine, the qualified registered voters of the Town of Maiden shall effect a Mayor and five Aldermen or Commissioners.

The Mayor shall serve during a term of one year. The two elected persons receiving at said election the highest number of votes and the second highest number of votes, respectively, for Aldermen or Commissioners, shall serve during a term of two years; the other three persons elected Aldermen or Commissioners at said election shall serve during a term of one year.

**Section 4.** That on the first Monday in May of each year after the year Nineteen Hundred Thirty Nine, a Mayor shall be elected for a term of one year, and two Aldermen shall be elected for a term of two years and an Alderman for a term of one year. The two elected persons, receiving at said election the highest

number of votes and the second highest number of votes respectively, for Alderman or Commissioners, shall serve during a term of two years; the other one person elected Alderman or Commissioner, shall serve during a term of one year.

**Section 5.** That the Mayor and Aldermen or Commissioners elected for the Town of Maiden, shall from and after the ratification of this act, meet at 7:30 o'clock P.M. in the Town Hall of Maiden, N.C. on the first day of July Nineteen Hundred Thirty Nine, unless said first day falls on Sunday, and in the event on the Monday following, and annually thereafter and be sworn in, and shall enter upon their duties on that date; that the Mayor and Aldermen or Commissioners now in office shall hold over until said first day of July Nineteen Hundred Thirty Nine or until their successors are elected and qualified. The purpose of this Act is to make the Municipal year and fiscal year concurrent.

**Section 6.** That no person shall be considered a Candidate unless he has complied with the provisions of this act.

**Section 7.** That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

**Section 8.** That this act shall be in force from and after ratification.

## **ARTICLE II. TOWN CHARTER AMENDED**

### **Section 1. Town Charter amended.**

The Town of Maiden in the County of Catawba, having been heretofore incorporated by act of the General Assembly by the name and style of the Town of Maiden, and the same being subject to all the provisions of the General Statutes of North Carolina and the laws of the United States, does hereby amend its Charter as hereinafter set forth and makes this the Charter of the Town of Maiden.

### **Section 2. Corporate limits.**

(a) The corporate limits of the Town of Maiden shall consist of all areas heretofore annexed by either charter, charter amendment, or ordinance.

(b) The corporate limits include:

(1) Original area of one square mile as set forth in original charter (1883).

(2) Area east of original limits to Island Ford Road (1905).

(3) Area north of original limits to Maiden Creek (1920).

(4) Area south of East Boyd Street between 6th Avenue and 10th Avenue.

(5) Area west of original limits along and south of West Finger Street (Woonsocket Mills area) (1965).

(6) Area extending to east and south of limits along both sides of U.S. Highway No. 321 (1961).

(7) Area north of 1905 extension and being extensions of N. 9th Avenue and N. 10th Avenue (1967).

- (8) Area west of original limits and North of W. Finger Street (1967).
- (9) Area north of original limits to Maiden Creek (Carolina Terrace area) (19 ).
- (10) Area west of S. 7th Avenue Extension to original limits (1971).
- (11) Area south of original limits and west of State Road No. 2003 (1971).
- (12) Area south of area in paragraph (11) above and to both east and west of State Road No. 2003 (2 tracts) (1973).
- (13) Area east of U.S. Highway No. 321 and south of area in paragraph (6) above (Wendover) (1973).
- (14) Area south of State Road 2007 to Maiden Creek (Miles property) (1975).
- (15) Area to west of area in paragraph (8) above (Ramseur property) (1975).
- (16) Area to east of State Road 2000 and South of area in paragraph (9) above (Williams property) (1975).

(c) Henceforth, the corporate limits of the Town of Maiden shall be modified by ordinance in accordance with procedures established by the North Carolina General Statutes.

(d) The corporate limits of the Town of Maiden shall be shown on a map prepared and maintained by the Town Clerk and all modifications to the corporate limits shall additionally be recorded with the Register of Deeds of Catawba County.

### **Section 3. Mayor and Council.**

The officers of said municipal corporation shall consist of a Mayor and five council members to be designated as the Council.

### **Section 4. Elections.**

(a) The Mayor and council members shall be elected at large from the citizens of the Town who shall have reached the age of 18 years on or before November 15 in the year of the election.

(b) Elections shall be conducted on the first Tuesday of November in odd-numbered years as provided by the Laws of North Carolina.

(c) Election of the Mayor and Council shall be on a nonpartisan plurality basis and the following rules shall be utilized in determining those elected:

(1) When more than one person is seeking election to a single office, the candidate who receives the highest number of votes shall be declared elected.

(2) When more persons are seeking election to two or more offices (constituting a group) than there are offices to be filled, those candidates receiving the highest number of votes equal in number to the number of offices to be filled, shall be declared elected.

(3) If two or more candidates receiving the highest number of votes each receive the same number of votes, the board of elections shall determine the winner by lot.

(d) The term of office for the Mayor shall be two (2) years.

(e) The term of office for the Council shall be determined as follows:

(1) Election in 1975 to provide that the two candidates receiving the first and second largest number of votes to serve four-year terms;

(2) Election in 1975 to provide that the three candidates receiving the third, fourth, and fifth largest number of votes to serve two-year terms;

(3) Election in 1977 to provide that the two candidates receiving the first and second largest number of votes to serve four-year terms;

(4) Election in 1977 to provide that the candidate receiving the third largest number of votes to serve a two-year term;

(5) Election in all odd-numbered years after 1977 to provide that the two candidates receiving the first and second largest number of votes to serve four-year terms; and the candidate receiving the third largest number of votes to serve a two-year term.

#### **Section 5. Organization.**

It shall be the duty of the Mayor and Council to meet and organize at the first regular meeting following the certification of the election results at which time newly elected officials shall take the oath of office as prescribed by the General Statutes of North Carolina.

#### **Section 6. Powers and duties.**

The Council shall have power to pass all laws; by-laws; rules and regulations for the good government of the corporation, not inconsistent with the laws of North Carolina or of the United States; and to levy and collect a tax on all subjects of State taxation; and to abate all nuisances; and for said purposes may impose such fines and other penalties as may be by law authorized. And it shall be the duty of said Council to expend revenues for the lawful purposes of the Town and its government.

#### **Section 7. Form of government.**

The Town shall operate under the council-manager form of government according to the laws of North Carolina.

#### **Section 8. Sale of liquor.**

No person, firm, partnership, corporation, or other person or group shall sell or cause to be sold spirituous liquors within the corporate limits of the Town.