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**CHARTER AND RELATED LAWS**

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**\*Editor's note**--Printed herein is the city's Charter as set forth in Chapter 121 of the Private Laws of 1931 and ratified by referendum in April of 1931. Amendments to the Charter are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original Charter. Obvious misspellings have been corrected without notation. Additions made for clarity are indicated by brackets.

The original article numbers and headings and section numbers have been retained, but the section catchlines were added by the editor.

The Charter originally provided for a council of nine members. Chapter 114, § 1, Private Laws of 1935, amended the Charter by changing the word "nine" to "seven" wherever it occurs in relation to the number of councilmen. The same act changed "one-ninth" to "one-seventh" wherever used in regard to "referendum and recall or other elections." These changes have been made throughout the Charter.

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CHARTER

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## ARTICLE I. CORPORATE ORGANIZATION

### Sec. 1. Municipality continued; general corporate powers.

The inhabitants of the City of Asheville shall continue to be as they have heretofore been, a body politic and corporate under the name of "City of Asheville" and under that name shall have perpetual succession, may sue and be sued, may contract and be contracted with; may acquire, hold, manage, control, lease and dispose of property, real and personal, and may have a common seal and alter and renew the same at pleasure.

### Sec. 2. Property rights continued.

All property, real and personal or interests therein, of whatsoever character and description and wheresoever situate, now owned, held, controlled or used by the City of Asheville for any purpose or held, controlled or used for its benefit and any and all judgments, liens, right of liens and causes of action of any and all kinds in favor of said City of Asheville shall upon the adoption of this act [Charter] be and remain vested in the City of Asheville in the same manner and to the same extent as heretofore.

### Sec. 3. General grant of power.

The City of Asheville shall have and possess all of the powers given and conferred by this act [Charter], as well as all of the powers given to municipal corporation by general law in this state and all such other powers, rights and privileges as may be useful and/or necessary to carry on the government of the City of Asheville, in the manner set out in this act [Charter].

### Sec. 4. Boundaries.

The boundaries of the City of Asheville shall be those existing for the City of Asheville at the time of the passage of this act [Charter].

**Editor's note**—Ordinances annexing territory to the city are not included in this Charter, but are on file in the city clerk's office.

### Sec. 5. Powers vested in mayor, council and manager.

The corporate powers of the City of Asheville shall be vested in and exercised by a mayor, city council and city manager, as hereinafter provided, subject to such limitations as may be hereinafter imposed, and the executive and administrative powers, authority and duties are distributed as hereinafter set out.

## ARTICLE II. THE COUNCIL\*

### Sec. 6. Composition; qualifications and terms of members.

Except as otherwise herein provided in this Charter, all powers of the city shall be vested in a council of a mayor and six councilmembers, all nominated and elected from the city at large in the manner hereinafter provided. The mayor and members of the council, and all other officers, elected under the provisions of this Charter, shall at the time of their election be qualified electors of the City of Asheville. The term of the mayor and councilmembers shall begin at the first regular meeting of the city council next following their election as set forth hereinafter. The term of office of the mayor and six councilmembers shall be four years, and shall be so staggered that the terms of office of three councilmembers shall expire every two years. Said staggered terms shall begin following the election of 1997, with those three persons elected to council who receive the highest number of votes of the entire council to serve four year terms to expire in 2001, and the other three persons elected to council to serve two year terms to expire in 1999. Commencing with the 1999 election, all terms of office for council members shall be four years. The person elected as mayor at the 1997 election shall serve a four year term of office commencing in 1997 and expiring in 2001. Thereafter, all terms of office for the mayor shall be four years. A mayor or member of council ceasing to possess any of the qualifications specified in this section shall immediately forfeit office.

(Ord. No. 1501, § 2, 3-19-85; Ord. No. 2385, § 1, 6-24-97)

\*Code reference—City council, § 2-31.

**Sec. 7. Filling of vacancies.**

Any vacancy in the office of mayor or council shall be filled by the council for the remainder of the unexpired term from the qualified electors of the City of Asheville.

(Ord. No. 1501, § 3, 3-19-85)

**Sec. 8. Meetings generally; member's oath.**

On its first regular meeting date in December following a regular municipal election, the council shall meet at the usual place for holding its meetings, and the newly elected mayor and councilmembers shall assume the duties of office. Before entering upon the duties of their offices, the newly elected mayor and councilmen shall severally make oath before the retiring mayor, city clerk or some person authorized by law to administer oaths to perform faithfully the duties of their respective offices. Thereafter the council shall meet at such times as may be prescribed by ordinance or resolution, but not less frequently than once each week. Special meetings shall be called by the clerk upon written request of the mayor or of the city manager or of three members of the council. No less than 12 hours' notice of special meetings shall be given to each member of the council at such address, within the corporate limits of the City of Asheville, as he shall designate and such notice shall be published at least once prior to the meeting in a daily newspaper of the city. The notice must state the subject or subjects to be considered at the meeting and no other subject or subjects may be there considered. (Ord. No. 1501, § 4, 3-19-85)

**Sec. 9. Meetings to be open; opportunity of citizens to be heard.**

All meetings of the council shall be open to the public and the council, by rules, must provide for giving citizens reasonable opportunity to be heard at its meetings in regard to matters thereunder consideration.

**Sec. 10. Selection of mayor and mayor pro tem; general powers of mayor.**

The mayor, in addition to the other powers conferred on him by this Charter, shall have the rights, privileges, requirements, and immunities

of a member of the council. He shall preside at meetings of the council and be recognized as head of the city government for ceremonial purposes, by the courts for service of civil process and by the government for purposes of military law. He shall vote on all issues before the council except when excused from voting as provided by law.

At its first meeting following a regular municipal election, the council shall choose from its number a vice-chairman to act as mayor pro tem in absence of the mayor.

(Ord. No. 1501, § 5, 3-19-85; Session Laws 1985, ch. 228, § 1)

**Sec. 11. Selection of clerk and other officers and employees; duties of clerk; rules and order of business.**

The council shall choose a city clerk and such other officers and employees of its own body as it deems necessary all of whom shall serve during the pleasure of the council. The clerk shall keep records of the proceedings of the council and all final votes of the council involving appropriations, expenditures of money or the enactment of ordinances shall be by yeas and nays and entered on the records. The council shall determine its own rules and order of business.

**Sec. 12. Quorum; disqualification to vote.**

A majority of the members elected to the council, including the mayor, shall constitute a quorum but a less number may adjourn and compel the attendance of absent members. The affirmative vote of a majority of the members shall be necessary to adopt any ordinance, resolution or vote, except that a vote to adjourn or regarding the attendance of absent members may be adopted by a majority of the members present. No member, including the mayor, shall be disqualified from voting except on matters involving his own official conduct or financial interest.

(Ord. No. 1501, § 6, 3-19-85)

**Sec. 13. Exercise of legislative powers, functions and duties.**

The council has and shall exercise all legislative powers, functions and duties conferred upon the city or its officers.

**Sec. 14. Ordinances and resolutions—Introduction; subject matter; reading.**

Ordinances and resolutions shall be introduced in the council only in written or printed form. All ordinances, except those relating to appropriations and/or budgets or codifying existing ordinances, shall be confined to one subject and the subject shall be expressed in the title. Ordinances relating to appropriations shall be confined to that subject. The final reading of an ordinance shall be in full unless a copy thereof shall have been fur-

nished each member of the council present prior to the reading.  
 (Ord. No. 1501, § 7, 3-19-85; Session Laws 1993, ch. 228, § 11)

**Sec. 15. Same—Effective date.**

Ordinances and resolutions shall take effect at the time indicated therein.  
 (Sessions Laws, 1981, ch. 25, § 1)

**Sec. 16. Reserved.**

*Editor's note*—Section 2 of ch. 25 of Session Laws 1981 repealed section 16 of ch. 121 of Private Laws 1931, which pertained to emergency measures for ordinances and resolutions.

**Sec. 17. Ordinances and resolutions—Authentication and recordation.**

Upon final passage, ordinances and resolutions shall be authenticated by the signature of the mayor and clerk and shall be recorded in a book kept for that purpose. Authentication and registration of an ordinance or resolution as herein provided shall be essential to its validity.

**Sec. 17A. Reserved.**

*Editor's note*—Section 1 of ch. 397 of Session Laws 1983 repealed section 17A of ch. 121 of Private Laws 1931, which pertained to the publication of ordinances and resolutions and had been enacted by ch. 186, § 1, Private Laws 1931.

**Sec. 18. Ordinances and resolutions—Revision or amendment.**

No ordinance or resolution or section thereof shall be revised or amended except by a new ordinance or resolution containing the entire ordinance, resolution or section as revised or amended and repealing the original ordinance, resolution or section.

**ARTICLE III. ADMINISTRATIVE SERVICE\***

**Sec. 19. Appointment, qualifications, term and removal of manager; acting manager.**

The council shall appoint a city manager, who shall be the chief executive officer of the city. The manager shall be chosen by the council solely on the basis of his executive and administrative qualifications and need not, when appointed, be a resident of the city or state. The manager shall be appointed for an indefinite term and shall be removable at the pleasure of the council. No member of the council shall, during the time for which elected, be chosen city manager. Before the manager may be removed by the council he shall, if he so demands, be given a written statement of the reasons alleged for his removal and given the right to be heard thereon at a public meeting of the council prior to the final vote on the question of his removal. Pending and during such hearing, the council may suspend the manager from office. The action of the council in suspending or removing the manager shall be final, it being the intention of this Charter to vest all authority and fix all responsibility for such suspension or removal in the council. In case of the absence or disability of the manager, the council may designate some qualified person, not a member of the council, to perform the duties of the office during such absence or disability.

**Sec. 20. Responsibility of manager to council; appointment and removal of officers and employees generally.**

The manager shall be responsible to the council for the proper administration of all affairs of the city placed in his charge and to that end, subject to the provisions of article X hereof, he shall have the power to appoint and remove all officers and employees in the administrative service of the city. The manager may authorize the head of a department or office responsible to him to appoint and remove subordinates in such department or office. All appointments made by or under the authority of the manager shall be on the basis of executive

\*\*Code reference—Administration, ch. 2.

and administrative ability and of the training and experience of such appointees in the work which they are to perform. All such appointments shall be without definite term unless for temporary service not to exceed 60 days.

**Sec. 21. Further authority for removal; report of appointments and removals.**

Officers and employees appointed by the city manager or under his authorization may be removed by him or by the officer by whom appointed at any time. The decision of the manager or other officer in any such case shall be final and there shall be no appeal therefrom to any other officer, body or court whatsoever. The manager shall report each appointment and removal in the administrative service of the city to the council at its first meeting following such appointment or removal except appointments to and removals from office or positions of those classes which the council may by resolution provide need not be so reported.

**Sec. 22. Council not to request or take part in appointments or removals.**

Neither the council nor any of its committees or members shall direct or request the appointment of any person to or his removal from office by the city manager or by any head of a department or officer authorized by such manager to make such appointment, nor shall the council or any of its committees or members take any part in the appointment or removal of officers and employees in the administrative service of the city, other than the city manager.

**Sec. 23. Council to deal with administrative service through manager.**

Except for the purpose of inquiry, the council and its members shall deal with that portion of the administrative service for which the manager is responsible through the manager and neither the council nor any member thereof shall give an order to any city employee in the administrative service of the city, other than the city manager, relating to any matter in the line of his employment. Any violation of the provisions of this section by a member of the council shall be a misde-

meanor, conviction of which shall immediately forfeit the office of the member so convicted.

**Sec. 24. General duties of manager.**

It shall be the duty of the city manager to act as chief conservator of the peace within the city; to supervise the administration of the affairs of the city; to see that the ordinances of the city and the laws of the state are enforced therein; to make such recommendations to the council concerning the affairs of the city as may seem to him desirable; to keep the council advised of the financial condition and future needs of the city; to prepare and submit to the council budget estimates; to prepare and submit to the council such reports as may be required by that body and to perform such other duties as may be prescribed by this Charter or required of him by ordinance or resolution of the council.

**Sec. 25. Right of manager and other officers to seats in council and participation in council discussions.**

The city manager, the heads of all departments and such other officers of the city as may be designated by vote of the council shall be entitled to seats in the council but shall have no vote therein. The manager shall have the right to take part in the discussion of all matters coming before the council and the heads of departments and any other officers having seats in the council shall be entitled to take part in all discussions of the council relating to their respective departments and offices.

**Sec. 26. Departments generally.**

The city council, after hearing recommendations by the city manager, shall by resolution establish and designate departments of the city and may, from time to time, upon the recommendation of the city manager, abolish, redesignate, reorganize, restructure, reestablish and otherwise change such departments to promote efficiency in the administration of the city government. Nothing in this section shall prevent the council, by a two-thirds vote of its members, from authorizing and directing the execution of a contract with Buncombe County for the joint performance

of similar administrative duties and functions of said county and city by consolidating the agencies thereof by which such functions are, at the time of making such an agreement, being performed and authorizing their subsequent joint operation as one agency at joint expense, or for the performance of said administrative functions for the benefit of both said city and Buncombe County by one of such agencies at joint expense, whenever in the judgment of the council such action is deemed for the best interest of the City of Asheville.

(Session Laws 1955, ch. 791, § 1; Session Laws 1981, ch. 27, § 1)

#### **Sec. 27. Department heads.**

The head of each department of the administrative branch of the city government shall be known as the director thereof. He shall be appointed by the city manager and shall have supervision and control of his department and all of the activities thereof. The manager may assign to one person the powers and duties of director of more than one department and/or office and may himself assume and perform the powers and duties of director of one or more departments or offices and/or perform himself or delegate to another any one or more functions or duties assigned to a department or office. Each director shall have power to prescribe rules and regulations not inconsistent with this Charter and/or ordinances passed in pursuance thereof for the conduct of the officers and employees of the department of which he is in charge, for the distribution and transaction of its business and for the custody of the books, records, papers and property under its control.

(Session Laws 1981, ch. 27, § 2)

#### **Sec. 28. Investigation of departments and offices.**

The council or the manager or any person or committee authorized by either of them shall have power to inquire into the conduct of any department, office or officer of the city and to make investigations as to municipal affairs and, for such purpose or purposes, may provide for an examination or audit of the accounts of any department, office or officer of the city, may subpoena witnesses, administer oaths and compel the production of books, papers and other evidence.

#### **Sec. 29. Rules and regulations governing finances.**

The council shall, by ordinance or resolution, make such rules and regulations as it shall deem wise governing the receipt and handling of moneys payable to the City of Asheville from any and all sources and the deposit of such moneys in designated depositories, provided that all such moneys shall be collected and received by an officer or employee of the department of finance authorized to receive the same or paid to such officer or employee by such other officer or employee of the administrative services of the city as shall collect and receive the same. Such ordinances or resolution shall also provide for such audits and examinations of the books and accounts of all departments and of all officers and employees of the administrative service of the city who receive or may receive or disburse money as to the council shall deem wise. Such audits and examinations may be made by a regular employee of the administrative service of the city or otherwise as the council may direct and the council may, by ordinance or resolution, direct such publication of the results of such examinations and audits as it shall deem best. Except as in this Charter provided, sections 2686 and 2687 of the Consolidated Statutes shall not apply to the City of Asheville.

#### **Sec. 30. Limitation on indebtedness.**

Except as provided in the Municipal Finance Act or other general law or as provided in this act [Charter] or as provided in public, public-local or private acts passed at that session of the legislature at which this act [Charter] is adopted, the council shall not have power to create or contract any indebtedness in any amount not covered by an appropriation ordinance or resolution for the current fiscal year, passed or adopted as now or hereafter provided by law.

### **ARTICLE IV. RESERVED**

#### **Sec. 31. Reserved.**

**Editor's note**—Section 3 of ch. 27 of Session Laws 1981 repealed section 31 of ch. 121 of Private Laws 1931, which pertained to corporation council and assistants.

**ARTICLE V. RESERVED****Sec. 32. Reserved.**

**Editor's note**—Section 3 of ch. 27 of Session Laws 1981 repealed section 32 of ch. 121 of Private Laws 1931, which pertained to powers and duties of director of department of finance and assistants.

**ARTICLE VI. RESERVED****Secs. 33, 34. Reserved.**

**Editor's note**—Sections 33 and 34 of ch. 121 of Private Laws 1931, which pertained to general powers and duties and duty relative to engineering service of the director of the department of public works, were repealed by Session Laws 1981, ch. 27, § 3.

**ARTICLE VII. RESERVED****Secs. 35, 36. Reserved.**

**Editor's note**—Article VII, consisting of sections 35 and 36 and relating to the department of public welfare, was repealed by Session Laws 1955, ch. 791, § 2.

**ARTICLE VIII. POLICE DEPARTMENT\*****Secs. 37, 38. Reserved.**

**Editor's note**—Sections 37 and 38 of ch. 121 of Private Laws 1931, which pertained to the powers and duties of the director and the reenactment of part of the 1923 act, were repealed by Session Laws 1981, ch. 27, § 3.

**Sec. 38A. Special police.**

The council shall have power to authorize the appointment by the city manager or by the director of the police department of special police receiving no compensation from the city for preservation of the peace, happiness and welfare of the inhabitants thereof, and of property therein. Such special police shall not belong to the classified service of the city.

(Session Laws 1981, ch. 27, § 4)

\*\*Code reference—Police, ch. 13.

**ARTICLE IX. RESERVED****Sec. 39. Reserved.**

**Editor's note**—Section 39 of ch. 121 of Private Laws 1931, which pertained to the powers and duties of the director of the department of motor transport, was repealed by Session Laws 1981, ch. 27, § 3.

**ARTICLE X. RESERVED****Secs. 40—64. Reserved.**

**Editor's note**—Article X, entitled "Department of Civil Service" and consisting of sections 40—64, was repealed by chapter 1 of the Private Laws of 1935. Such chapter 1 enacted new provisions relative to civil service, which have been omitted as superseded by Session Laws 1953, ch. 757, which is included in the Related Laws as sections 31—52.

**ARTICLE XI. RESERVED†****Secs. 65—82C. Reserved.****ARTICLE XII. INITIATIVE, REFERENDUM AND RECALL****Sec. 83. Initiative.**

Any proposed ordinance may be submitted to the city council by a petition signed by 15 percent

†**Editor's note**—Sections 65 through 82-C of ch. 121 of Private Laws 1931 on the subject of elections were repealed by Session Laws 1993, ch. 228, § 1(a)(1). Subsection (b) provides that nothing in this section affects the provisions of Ordinance No. 1501 of the City of Asheville, adopted May 19, 1985, under Part 4 of Article 5 of Chapter 160A of the General Statutes, concerning the manner of election of the mayor. The mayor shall continue to be elected separately by the qualified voters of the City of Asheville. Further, it should be noted that Ord. No. 2139, adopted Sept. 20, 1994, amended Section X of Ord. No. 1501 to provide for direct election of the mayor by all qualified voters of the city.

Subsequently, Ord. No. 2155, adopted Nov. 15, 1994, repealed Ord. No. 2139 and provided:

"Regular municipal elections shall be held in each odd-numbered year in accordance with the uniform municipal election laws of North Carolina. Beginning in 1995, elections shall be conducted on a nonpartisan basis, using the "nonpartisan primary and election" method, as provided in N.C. Gen Stat. sec. 163-294. The mayor shall continue to be elected directly by the people and to have all of the rights and responsibilities of a member of council, including the right to vote on all issues before the council."

Said Ord. No. 2155, shall take effect upon adopting and shall govern municipal elections beginning with the 1995 primary and election.

of the number of registered voters of the City of Asheville. The signatures, residence, addresses, verifications, filings, authentications, inspections, certifications, amendments and submission of such petition shall be the same as hereinafter provided in this article for petitions for the recall of officials. If the petition accompanying the proposed ordinance be signed by the requisite number of voters and contains a request that said ordinance be passed or submitted to a vote of the electors if not passed by the council, such board shall within

15 days after such petition is submitted to it, either:

- (a) Pass such ordinance without alteration, or
- (b) Submit the ordinance to the qualified voters at a special election called for that purpose and held not more than 90 days after the date of such call or at a general election occurring within 90 days after the date of the certificate of the chairman of the board of elections.

The ballots used when voting upon such ordinance shall state briefly the general nature of the ordinance and contain the words "for the ordinance" and "against the ordinance." If the majority of the voters voting on a proposed ordinance shall vote in favor thereof, such ordinance shall become a valid and binding ordinance of the city from the date when the result of such vote is officially declared. No ordinance becoming effective as in this section provided shall be repealed or amended, except by a vote of the people.

Any member [number] of proposed ordinances may be voted upon at the same election in accordance with the provisions of this article, but there shall not be more than one such special election in any period of six months for such purpose. The council may submit a proposition for the repeal of any such ordinance or for amendment thereto to be voted upon at any succeeding general city election and should any such proposition so submitted receive a majority of the votes cast thereon at such election such ordinance shall thereby be repealed or amended accordingly as of the date when the result of such vote is officially declared. Whenever any ordinance or proposition is required pursuant to this article to be submitted to the voters of the city at any general or special election the city shall cause such ordinance or proposition to be published once in the daily newspaper published in the city having the largest circulation and once in the daily newspaper published in the city having the second largest circulation and in all copies of the edition of each of said newspapers having the largest circulation in said city. Such publication shall be made not more than 20 nor less than five days before the submission of such proposition or ordinance to vote as aforesaid. Any question submitted by petition as provided under

this section cannot be resubmitted to referendum by petition within a three-year period from the date of the election at which said question was first voted on.

(Session Laws 1969, ch. 313, §§ 1–3)

#### **Sec. 84. Referendum.**

If, after the passage of any ordinance by the council and before the same goes into effect a petition be submitted as herein provided signed by registered voters of the city equal to the number prescribed herein to be signed to a petition requesting the submission of a proposed ordinance as specified in section 83 hereof protesting against a passage of such ordinance, the operation of such ordinance shall thereupon be suspended and it shall be the duty of the council to again consider such ordinance and if the same is not entirely repealed at the next regular meeting of the council following the submission of such petition the council shall submit to the voters the question of the repeal of such ordinance at an election to be held for that purpose in the manner and under the conditions in this article provided for reference to voters of the question of the adoption of an ordinance. The signatures, residence, addresses, verifications, filings, authentications, inspections, certifications, amendments and submission of such petition shall be the same as provided in this article for petitions for the removal of officers. If, upon such election the majority of the votes cast shall be in favor of such ordinance the same shall upon the result of such election being officially declared thereupon become a valid and binding ordinance of the city, otherwise such ordinance shall be deemed not an ordinance of the city.

#### **Sec. 85. Recall—Generally.**

The holder of any elective office under the city Charter may be removed at any time by the voters qualified to vote for a successor of such incumbent. The procedure to effect the removal of an incumbent of the elective office shall be as follows:

A petition, signed by 15 percent of the number of registered voters of the City of Asheville, demanding an election of a successor of the person sought to be removed, shall be filed with the

chairman of the city board of elections, and the petition shall contain a general statement of the grounds for which the removal is sought. The signatures to the petition need not all be appended to one paper, but each signer shall add to his signature his place of residence, giving the street and number. One of the signers of each paper shall make oath before an officer competent to administer oaths that the statements thereon made are true, as he believes and that each signature to the paper appended is the genuine signature of the person whose name it purports to be. Within ten days from the date of filing such petition the city board of elections shall examine and from the registration books used at the next preceding municipal election held in the city ascertain whether or not said petition is signed by the requisite number of qualified voters. Such registration books shall for that purpose be made available to the city board of elections by the officer or board in whose custody they may be. The chairman of the board of elections shall attach to said petition his certificate, showing the result of such examination as determined by the board of elections. If by such certificate the petition is shown to be insufficient it may be amended within ten days from the date of such certificate. The board of elections shall within ten days after such amendment make a like examination of the amended petition and if the certificate of the chairman of the board of elections which shall be made thereafter in accordance with the decision of the board of elections on the matter shall show the petition to be insufficient, such petition shall be returned to the person filing the same without prejudice to the filing of a new petition to the same effect. If the petition shall be deemed sufficient by the board of elections, the chairman of said board shall forthwith so certify and shall submit the petition to the council at its next regular meeting. If the petition shall be found to be sufficient the council shall order and fix a date for holding an election for the election of a successor to the elective officer sought to be removed. In the event a primary election is held in connection with the election of members of the council under the provisions of this Charter or any amendment thereto, then in effect, then the date

of such primary or in the event none is to be held, the date of such election shall be fixed not less than 15 or more than 30 days from the date of the certificate of the chairman of the board of elections to the council that a sufficient petition is filed. A petition filed as aforesaid may demand the election of a successor to more than one elective officer of the city. An officer elected at a recall election as aforesaid, shall hold office for the unexpired term of the officer whom he succeeds.

(Session Laws 1969, ch. 313, § 4)

**Sec. 86. Same—Officer sought to be removed as candidate to succeed himself.**

Any elective officer sought to be removed as aforesaid shall be eligible to succeed himself unless ineligible for some other reason contained in this Charter or under the general law of the state and each such elective officer so sought to be removed shall, unless within three days after the ordering of an election or primary as aforesaid, he files with the chairman of the board of elections a written refusal to be candidate to succeed himself, be considered a candidate to succeed himself and shall be treated as such in the same manner as if he had become a candidate for such office in the manner provided in this Charter.

**ARTICLE XIII. GENERAL  
ADMINISTRATIVE PROVISIONS\***

**Secs. 86A–89. Reserved.**

**Sec. 90. Reenactment of provisions relative to actions and claims against city.**

Sections 243 to 246, both inclusive, of chapter 16 of the Private Laws of 1923, relating to actions and claims against the city and all acts amendatory thereof, and/or relating to the same subject matter insofar as applicable and not inconsistent with any other provision of this act [Charter] shall be and remain in full force and are hereby reenacted, except that wherever the words "board of

\*Editor's note—Sections 86A, 87, 88, 89, 91, 93 and 94 of ch. 121 of Private Laws 1931 were repealed by Sessions Laws 1993, ch. 228, §§ 2, 3(1), 3(3), 4, 5(1), 6(1), 7 and 8.

\*Code reference—Administration, ch. 2.

commissioners” are used, they shall be changed to read “council” and wherever the words “secretary-treasurer” are used, they shall be changed to read “treasurer.”

**Sec. 91. Reserved.**

**Sec. 92. Reenactment of provisions relative to taxation.**

Sections 385 to 391, both inclusive and section 414 of chapter 16 of the Private Laws of 1923, relating to taxation for municipal purposes and all acts amendatory of said sections or any of them or relating to the same subject matter insofar as applicable and where not inconsistent with the other provisions of this chapter [Charter] shall be and remain in full force and are hereby reenacted, except that wherever the words “board of commissioners” are used they shall be changed to read “council” and wherever the word “mayor” or words “mayor commissioner” are used, the same shall be changed to read “city manager” and where the words “secretary-treasurer” are used the same shall be changed to read “city manager.”

*Editor's note*—Sections 388 and 414 of chapter 16, Private Laws 1923, are included in the Related Laws as sections 3 and 4. The other sections mentioned in section 92 above have been omitted as either obsolete or superseded by subsequent statutes.

**Secs. 93, 94. Reserved.**

**Sec. 95. Continuation of ordinances, rules and regulations.**

Except as inconsistent with the provisions of this act [Charter], all ordinances of the City of Asheville now in full force and effect shall remain in full force and effect as ordinances of such city until repealed by the council or in some manner authorized by this act [Charter] and all rules and regulations relating to the administration of the government of the city now in force and effect shall remain in full force and effect unless and until repealed by the council or superseded in whole or in part by rules and regulations made by the council or by the city manager as in this act [Charter] provided.

**Sec. 96. Continuation of offices.**

All persons holding administrative offices at the time this Charter takes effect shall continue in office and in performance of their duties until provisions shall have been made in accordance with this Charter for the performance of such duties or the discontinuance of such offices. The powers conferred, the duties imposed upon any officer, commission, board or department of the city by law, shall if such office, commission, board or department be abolished by this Charter be thereafter exercised and discharged by the office or department designated by the council unless otherwise provided herein.

**Sec. 97. Oath of officers.**

Every officer of the city shall, before entering upon the duties of his office, take and subscribe to the following oath or affirmation to be filed and kept in the office of the city clerk:

“I solemnly swear (or affirm) that I will obey the Constitution and laws of the United States and the Constitution and laws of North Carolina, and that I will in all respects observe the provisions of the Charter of the City of Asheville and the ordinances of the City of Asheville and faithfully discharge the duties of the office of \_\_\_\_\_.”

**Sec. 98. Bond of officers.**

The city manager, the director of the department of finance and all employees of the city whose duties require them to handle any funds of the city and such other officers and employees of the city as the council may by resolution determine shall give bonds for the faithful performance of their duties and the council by resolution shall require the giving and maintenance of all such bonds in amounts adequate to protect the city from loss. The premiums on such bonds shall be paid by the city.

**Sec. 99. Repealer.**

All acts and parts of acts in conflict with this act [Charter] be and the same are hereby repealed

and the following acts, whether in conflict with the present act or not, are hereby repealed:

- (a) Chapter 16 of the Private Laws of 1923 except as brought forward and reenacted in article 13 hereof.

Chapter 138 of the Private Laws of 1927.

Chapter 120 of the Private Laws of 1923 except such portions as may have been brought forward and reenacted in article 13 hereof.

Chapter 26 of the Private Laws of 1925.

Chapter 139 of the Private Laws of 1927.

Chapter 125 of the Private Laws of 1927.

Chapter 101 of the Private Laws of 1927, but all of the powers and duties conferred or imposed by this act [Charter] on the park commission therein created shall be possessed and performed by the council or by such administrative officer or department of the city as the council may by resolution direct.

Chapter 136 of the Private Laws of 1923.

Chapter 24 of the Private Laws, Extra Session of 1924.

Chapter 61 of the Private Laws of the Extra Session of 1924.

Chapter 101 of the Private Laws of 1925.

Chapter 123 of the Private Laws of 1927.

Chapter 181 of the Private Laws of 1925.

Chapter 58 of the Private Laws of 1927.

Chapter 413 of the Public-Local Laws of 1927.

Chapter 141 of the Public Laws of 1929.

- (b) The General Assembly of North Carolina enacts:

Section 1.(a) The following laws are repealed:

- (1) Sections 65 through 82-C of the Charter of the City of Asheville, being Chapter 121, Private Laws of 1931;

(2) Section 2 of Chapter 143, Private Laws of 1931;

(3) Chapter 223, Private Laws of 1933;

(4) Chapters 30 and 135, Private Laws of 1935;

(5) Chapter 132, Public-Local Laws of 1937;

(6) Chapter 240, Public-Local Laws of 1939; and

(7) Chapters 114 and 790, Session Laws of 1955.

(b) Nothing in this section affects the provisions of Ordinance No. 1501 of the City of Asheville, adopted May 19, 1985, under Part 4 of Article 5 of Chapter 160A of the General Statutes, concerning the manner of election of the mayor. The mayor shall continue to be elected separately by the qualified voters of the City of Asheville.

Sec. 2. Section 86 of Article XIII of Chapter 121, Private Laws of 1931 (also known as Section 86A of that act), is repealed.

Sec. 3. The following laws are repealed:

(1) Section 87 of Chapter 121, Private Laws of 1931;

(2) Sections 181, 181A, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 195, 197, 198, 200, and 201 of Chapter 16, Private Laws of 1923; and

(3) Section 3 of Chapter 791, Session Laws of 1955.

Sec. 4. Section 88 of Chapter 121, Private Laws of 1931, is repealed.

Sec. 5. The following laws are repealed:

(1) Section 89 of Chapter 121, Private Laws of 1931;

(2) Sections 239, 240, 241, and 242 of Chapter 16, Private Laws of 1923; and

(3) Chapter 23, Private Laws of 1925.

Sec. 6. The following laws are repealed:

(1) Section 91 of Chapter 121, Private Laws of 1931;

(2) Sections 285 through 384 of Chapter 16, Private Laws of 1923;

- (3) Sections 34, 35, and 36 of Chapter 120, Private Laws of 1923;
- (4) Section 1 of Chapter 104, Private Laws of 1927;
- (5) Section 9 of Chapter 123, Private Laws of 1927; and
- (6) Chapter 58, Private Laws of 1927.

Sec. 7. The following laws are repealed:

- (1) Section 93 of Chapter 121, Private Laws of 1931;
- (2) Chapter 169 of Public-Local Laws, Extra Session of 1921, as to the City of Asheville only; and
- (3) Chapter 17, Public-Local Laws of 1923, as to the City of Asheville only.

Sec. 8. The following laws are repealed:

- (1) Section 94 of Chapter 121, Private Laws of 1931;
- (2) Chapter 149, Session Laws of 1943;
- (3) Chapter 1101, Session Laws of 1959; and
- (4) Chapter 329, Session Laws of 1969.

Sec. 9. The following laws are repealed:

- (1) Chapters 174 and 184, Private Laws of 1931; and
- (2) Chapter 24, Session Laws of 1981.

Sec. 10. Sections 243 and 244 of Chapter 16, Private laws of 1923, are repealed.

Sec. 11. The fourth sentence of Section 14 of Chapter 121, Private Laws of 1931, as amended by Section VII of Ordinance No. 1501 of the City of Asheville, adopted March 19, 1985, under Part 4 of Article 5 of Chapter 160A of the General Statutes, is repealed.

Sec. 12. Nothing in this act revives any act repealed by any act repealed by this act.

Sec. 13. This act is effective upon ratification, except that Section 11 of this act becomes effective with respect to ordinances voted on for the first time after the date of ratification of this act.

(Session Laws 1993, ch. 228, §§ 1-13)

**Sec. 100. Prior Charter continued.**

All provisions of the present Charter of the City of Asheville and the acts amendatory thereof not in conflict with this act [Charter] are continued in full force and effect.

*Editor's note*—The "present charter" referred to above was ch. 16, Private Laws 1923, which was specifically repealed, with certain exceptions, by section 99. The provisions of ch. 16 which were excepted from the repeal and reenacted by this Charter are included in the Related Laws, as indicated by notes following the reenacting sections. All other provisions of ch. 16 have been omitted.

**Sec. 101. Severability of Charter.**

If any provisions of this Charter are held unconstitutional, the remainder shall stand.

**Sec. 101A. Reserved.**

*Editor's note*—Pursuant to N.C. Gen Stat. sec. 160A-64, at the request of the city, § 101A, which pertained to salaries, has been deleted.