

# Town of Matthews, North Carolina Charter

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## **§ 1. AN ACT TO INCORPORATE THE TOWN OF MATTHEWS, IN THE COUNTY OF MECKLENBURG**

Section 1. That the Town of Matthews, in the County of Mecklenburg is hereby created a corporate body with all the rights, privileges and franchises, and subject to all of the provisions contained in Chapter one hundred and eleven of Battle's Revisal, except as may be hereinafter modified.

Section 2. That the four officers of said incorporation shall consist of a mayor, four commissioners and marshal, and shall be W.T. Carpenter, Mayor; Dr. J. Bruner, J.T. Barrett, E.J. Funderburk, G.W. Barnes, and J.S. Reid, Commissioners; and T.M. Chambers, Constable, who shall hold their offices until their successors are duly elected at their next regular municipal election for the towns of this state and qualified.

Section 3. The limit and boundaries of said town shall be three-fourths of a mile square, taking the depot house of the Carolina Central Railroad as the center.

Section 4. That said Commissioners shall have the power to levy a tax not to exceed sixteen and two-thirds cents on the one-hundred dollars' valuation of property, and fifty cents on the poll, and shall have the power to levy a tax upon all subject of state taxation within the corporate limits not to exceed one-half of the state tax, and shall have the power to tax dogs and abate all nuisance and may impose such fines or imprisonment as may be necessary therefor, not exceeding fifty dollars fine or thirty days imprisonment.

Section 5. It shall be the duty of the Commissioners to expend the money so collected upon the improvement of the streets and for other purposes for the benefit of said town, and all persons residing in said limits may be exempted by said Commissioners from working the public roads.

Section 6. Said Commissioners shall have the power to elect a suitable person for the secretary and treasurer of the Board, who shall give bond in such sum as Commissioners shall require.

Section 7. The Mayor of said town shall have all the jurisdiction of a justice of the peace within its corporate limits and the Marshal shall have all the power and privileges, and be entitled to such fees as constables now are.

(Private Laws of 1879, Chapter 60) (Ratified 3-8-1879)

## **§ 2. AN ACT TO AMEND THE CHARTER OF THE TOWN OF MATTHEWS**

Section 1. That the Charter of the Town of Matthews, being Chapter sixty (60) of the laws of one thousand eight hundred and seventy-nine be amended as follows; to wit: The said town shall have all the powers, privileges and franchises that are conferred upon the Town of Thomasville, by an act of the General Assembly, entitled an act \_\_\_\_, ratified the \_\_\_day of \_\_\_eighteen hundred and seventy-seven; and by sections twenty-eight (28), thirty-two (32) and thirty-three (33), contained in an act of the General Assembly, entitled “an act to amend the laws in relation to the Town of Tarboro,” ratified \_\_\_day of \_\_\_, eighteen hundred and seventy-seven.

Section 2. That the boundaries of the said town of Matthews shall be extended as follows, to wit: Beginning at the intersection of the present corporate line and railroad, thence with the railroad to the line of Messrs. Shelly and Abernathy, thence with the line to the corporate of Pleasant Hill Church and thence with the line of the said church and Abernathy to the corner of said land, thence a direct line to the corner of the church land on T.A. Squire's line, including all of the church land and cemetery, thence a direct line to the corner of the present incorporation, known as the Maple corner, and the land embraced within said boundaries shall hereafter form a part of the Town of Matthews.

Section 3. That nothing in this act shall be construed as repealing the law heretofore passed prohibiting the sale of intoxicating liquors within two miles of the said Pleasant Hill Church.

(Private Laws of 1883, Chapter 121) (Ratified 3-9-1883)

## **§ 3. AN ACT TO AMEND THE CHARTER OF THE TOWN OF MATTHEWS IN THE COUNTY OF MECKLENBURG.**

Section 1. That the Board of Commissioners of the Town of Matthews in the County of Mecklenburg shall have the power to prescribe fire limits for the said town, within which it shall be unlawful to erect any wooden building, or to alter or repair any wooden building now within the limits so established, except by permission of the said Board of Commissioners, and the Board of Commissioners may refuse to grant said permission whenever in their judgment the erection or repair of the wooden building, as proposed, will endanger the safety of adjoining properties, or otherwise be detrimental to the interest of the said town.

Section 2. It shall be the duty of the Board of Commissioners of said town to require, by an ordinance to that effect, all persons owning or controlling any lot upon which there is stagnant water, which is detrimental to the health of the community, to drain the said lot, and if the person owning or in possession of the said lot or land, upon which said stagnant water is, shall refuse after ten-days notice to drain his said lot as required, then it shall be the duty of the Board of Commissioners to cause the lot to be drained in a proper manner and the owner of the said lot shall be liable for the expense incurred in doing this work, and the Board of Commissioners may recover the same of him by civil action.

Section 3. That the Board of Commissioners shall have power to enforce the provisions of this act by proper ordinances, and they may ordain that any person erecting or repairing or altering a wooden building within the fire limits prescribed by them, or allowing stagnant water to remain on his lot after due notice to drain the same, shall be liable to a penalty to be fixed by the Board of Commissioners for each day the building so erected, altered, or repaired contrary to the ordinance shall remain within the fire limits, and for each day the said stagnant water remain after due notice to drain the lot upon which it is located.

Section 4. It shall be unlawful for any person or corporation to use or erect any engine or steam boiler within the fire limits of the Town of Matthews, except by permission of the Board of Commissioners who may refuse such permission whenever in their opinion the use of said boiler and engine will endanger the safety of the people of the said town or be prejudicial to their health and comfort.

(Private Laws of 1897, Chapter 216) (Ratified 3-8-1897)

**§ 4. AN ACT TO AMEND THE CHARTER OF THE TOWN OF MATTHEWS.**

Section 1. That the Charter of the Town of Matthews, being Chapter sixty (60) of the Private Laws of one thousand eight hundred and seventy-nine (1879), as amended by Chapter one hundred and twenty- one (121) of the Private Laws of one thousand eight hundred and eighty-three (1883) and any subsequent acts, be and the same is hereby further amended as follows, to wit: That the Commissioners of said town shall have all the powers, franchises, privileges and authority conferred upon the Board of Aldermen of the City of Charlotte by Chapter three hundred and fifty-three (353) of the Private Laws of one thousand and eight hundred and ninety-one (1891), as amended by Chapter two hundred and thirty-six (236) of the Private Laws of one thousand eight hundred and ninety-three (1893).

Section 2. That the said Commissioners and other officers of the said town shall have all the powers, rights, privileges and franchises, and be subject to all the duties and obligations conferred and imposed upon municipal officers by Chapter seventy-three (73) of the Revisal of one thousand nine hundred and five (1905), not inconsistent with the other provisions of the Charter by the said Commissioners.

Section 3. That the Commissioners of said town shall have the power and authority to create and establish fire limits in said town, within which no wooden or other combustible building or structure shall be erected or repaired, except in accordance with the ordinance of said town adopted or to be adopted by the said Commissioners.

(Private Laws of 1907, Chapter 368) (Ratified 3-7-07)

**§ 5. AN ACT TO AMEND THE CHARTER OF THE TOWN OF MATTHEWS, IN THE COUNTY OF MECKLENBURG.**

Section 1. The Board of Commissioners of the Town of Matthews, in the County of Mecklenburg, shall have power to levy a tax not to exceed fifty cents on the one hundred dollars valuation of property.

Section 2. The Board of Commissioners of said town shall pass ordinances establishing and defining the fire limits of said town, and within such limits so established, no frame or wooden buildings shall thereafter be erected. The Board of Commissioners may change the fire limits at any time.

Section 3. At the regular municipal election to be held in said town on the first Tuesday after the first Monday in May, one thousand nine hundred and eleven, and every two years thereafter, there shall be elected by the qualified voters of said town a cotton weigher, who shall give such bond, take such oath, perform such duties and receive such compensation as is now prescribed by law.

The Board of Commissioners shall fill any vacancy in the office of cotton weigher occurring by death, resignation or otherwise.

Section 4. In order to provide for the repairing, improvement and keeping in order of the sidewalks of said town, the Board may from time to time lay off and establish districts, and divide the sidewalks into districts for their repair and improvement and may from time to time establish the grade of the sidewalk in said districts, and the width thereof and the building line. They may by ordinance provide the character of the sidewalks to be established in the several districts. Every owner of a lot which shall front on any street on which a sidewalk has been established and graded shall improve in such manner as the Board may direct such sidewalk as far as it may extend along such lot, and on failure to do so within twenty days by nonresident of the County of Mecklenburg to his or her agent, or if personal service of said notice cannot be had on such owner or agent, then after publication of a notice by the Town Marshal for thirty days in some newspaper published in Mecklenburg County, calling on them to make such repairs or improvements the Board may cause the same to be repaired with either bricks, stone, gravel or cement, at their discretion, as in such district provided, and one- half of said expense shall be a lien upon said lot or lots; and if not paid within sixty days after completion of said repairs and improvements, such lot may be sold under the same rules and regulations, rights of redemptions and savings as are prescribed by the general laws of the State for the sale of land for unpaid taxes, or an action in the nature of an action of foreclosure may be instituted in the courts against said owner,

and any judgment rendered thereon shall be a lien upon the lot or interest therein for the satisfaction of the amount due the town by the owner, as aforesaid: Provided however, that if the owner or his agent shall elect to make such repair or improvement of the sidewalk in front of his property as the Commissioners may direct, at his own cost, and shall promptly complete the same to the satisfaction of the said Board of Commissioners, then out of the General Fund of the town there shall be paid to the said owner, or his agent, one-half the cost incurred by him in the making of such repair or improvement.

Section 5. That the Board of Commissioners may submit to the qualified voters of the said town, at the municipal election in May, the question whether or not the town shall borrow a sum not exceeding two thousand dollars, to be used for the improvement of streets and sidewalks, or to provide water for the public use, or such other public purpose, as the Board of Commissioners may approve.

At such elections, if ordered by the Board of Commissioners, those favoring the borrowing of the money shall vote a ticket upon which is printed the words "For bonds," and those opposed to the borrowing of such sum shall vote a ticket upon which shall be printed the words "Against bonds".

If by a vote of the qualified voters the Board of Commissioners are authorized to borrow said sum of money, the Board of Commissioners may issue the bond or bonds of the town of Matthews, which bond or bonds shall bear interest at a rate not exceeding six percent per annum, payable semi-annually, and the bond or bonds so issued shall be payable not more than twenty years from date, and it shall be the duty of the Board of Commissioners to provide by taxation for the payment of the interest on said bonds as the same may become due, and to provide for the payment of the principal money at the maturity of said bonds.

The election herein provided for shall be held under the rules and regulations prescribed for the holding of the municipal election, and the result be certified by the proper officers of the Board of Commissioners of the town, who shall make on the minutes of their proceeding a record of the result of such election, and this certificate so recorded shall be conclusive evidence of the result of such election.

(Private Laws of 1911, Chapter 172) (Ratified 2-7-11)

## **§ 6. AN ACT TO AMEND THE CHARTER OF THE TOWN OF MATTHEWS SO AS TO PROVIDE FOR THE HOLDING OF A PRIMARY FOR THE NOMINATION OF CANDIDATES FOR THE GENERAL MUNICIPAL ELECTION.**

Section 1. That the Charter of the Town of Matthews in Mecklenburg County, being Chapter 60 of the Private Laws of 1879, as amended by Chapter 121 of the Private Laws of 1883, and Chapter 368 of the Private Laws of 1907, and Chapter 172 of the Private Laws of 1911, is further amended in the following respects so as to provide for a primary for the nomination of the elective officials of the Town of Matthews:

(1) Nomination by Primaries. All candidates to be voted for at all general municipal elections, at which time a mayor, commissioners, or any other elective officers are to be elected under the provisions of the Town of Matthews City Charter, shall be nominated by a primary election, and no other names shall be placed upon the general ballot except those nominated in such primary in the manner hereinafter prescribed.

(2) How Primaries Held. The primary election for such nominations shall be held on the second Saturday of April preceding general municipal elections. The judges and other officers of elections appointed for the general municipal election shall, whenever practicable be the judges of the primary election, and it shall be held at the same place and in the same manner and under the same rules and regulations and subject to the same conditions, and the polls to be opened and closed at the same hours, as are required for the general election.

(3) Notice of Candidacy. Any person desiring to become a candidate for nomination by the primary for the office of mayor or commissioner or any other elective office shall, at least 10 days prior to the primary election, file with the clerk a statement of such candidacy in substantially the following form:

“State of North Carolina - County of \_\_\_\_\_ I, \_\_\_\_\_, hereby give notice that I reside at \_\_\_\_\_ Street, Town of \_\_\_\_\_, County of \_\_\_\_\_, State of North Carolina; that I am a candidate for nomination to the office of (mayor, or town commissioner, or other office) to be voted upon at the primary election to be held on the second Saturday of April, 19\_\_ , and I hereby request that my name be printed upon the official ballot for the nomination by such primary election for such office. (Signed)\_\_\_\_\_”

And he shall at the time pay to the Clerk, to be turned over to the Town Treasurer, the sum of five dollars (\$5.00).

(4) Publication of Names. Immediately upon the expiration of the time for filing the petition of candidates, the Town Clerk shall cause to be published for three successive days in a daily newspaper of general circulation in the town, in proper form, the names of the persons as they are to appear upon the primary ballots.

(5) Ballots Prepared. The Clerk shall thereupon cause the primary ballots to be printed, authenticated with a facsimile of his signature. Upon the ballot the names of the candidates for mayor, arranged alphabetically shall be placed, with a square at the left of each name and immediately below the words, “vote for one.” Following the names, likewise arranged in alphabetical order, shall appear the names of the candidates for the commissioners, with a square at the left of each name, and below the names of such candidates shall appear the words, “vote for five.” Like provision shall be made for the names of candidates for each elective office provided by the Matthews Town Charter. The ballots shall be printed upon plain, substantial white paper, and shall be headed: “Candidates for nomination for Mayor and Commissioners of the Town of Matthews, North Carolina, at the primary election,” but shall have no party designation or mark whatever.

(6) Form of Ballots. The ballots shall be in substantially the following form:

“(Place a cross in the square preceding the names of parties you favor as candidates for the respective positions.)

Official primary ballot. Candidates for nomination for Mayor and Commissioners and other offices (naming them) of the Town of Matthews, North Carolina, at the primary election.

For Mayor (naming candidates). (Vote for one.)

For Commissioners (names of candidates). (Vote for five.)

Official ballot. Attest:

(Signature) Town Clerk”

(7) Distribution of Ballots. Having caused ballots to be printed the Town Clerk shall cause to be delivered at each polling place a number of ballots equal to twice the number of votes cast in such polling precinct at the last general municipal election for mayor.

(8) Who Entitled to Vote. The persons who are qualified to vote at the succeeding municipal election shall be qualified to vote at such primary election, and shall be subject to challenge made by any resident of the town, under such rules as may be prescribed by the Board of Commissioners, and such challenge shall be passed upon by the judges of election and registrars: Provided however, that the law applicable to challenge at a general municipal election shall be applicable to challenge made at such primary election.

(9) Ballots counted. Judges of election shall, immediately upon the closing of the polls, count the ballots and ascertain the number of votes cast in such precincts for each of the candidates, and make return thereof to the Town Clerk, upon blanks to be furnished by the Clerk, within six hours of the closing of the polls.

(10) Returns canvassed. On the day following the primary election the Town Clerk, under the supervision and direction of the Mayor, shall canvass such returns so received from all the polling precincts, and shall make and publish in some newspaper of general circulation in the town, at least once, the result thereof. The canvass by the Town Clerk shall be publicly made.

(11) Who to be Candidates. The two candidates receiving the highest number of votes for mayor, and the six candidates receiving the highest number of votes for commissioners, and the two candidates receiving the highest number of votes for any other elective office, shall be candidates, and only candidates whose names shall be placed upon the ballots for mayor, commissioners and other elective offices at the next succeeding general municipal election. Provided, however, if any candidate for mayor receives a majority of all the votes cast for the office of mayor, or if five candidates for commissioner receive a majority of all the votes cast for the office of commissioner, then only the names of the five candidates receiving a majority of all the votes cast for commissioner shall be placed upon the ballot for the mayor or commissioner at the next succeeding general municipal election.

(Session Laws of 1951, Chapter 179) (Ratified 3-6-51)

**§ 7. AN ORDINANCE TO AMEND THE CHARTER OF THE TOWN OF MATTHEWS TO PROVIDE THAT THE MAYOR SHALL BE GIVEN THE RIGHT TO VOTE ON ALL MATTERS BEFORE THE COUNCIL.**

Section 1. Pursuant to G.S. §§ 160A-101 and 160A-102, the Charter of the Town of Matthews as set forth in Chapter 60 of the 1879 Private Laws of North Carolina, as amended, is hereby further amended to provide that the Mayor shall be given the right to vote on all matters before the Council in accordance with Part 3 of Article 5 of G.S. Chapter 160A and any Charter provisions not in conflict therewith.

(Ord. 169, passed 9-12-83; Ord. 185A, passed 12-15-83)

**§ 8. AN ORDINANCE TO AMEND THE CHARTER OF THE TOWN OF MATTHEWS TO INCREASE THE BOARD OF COMMISSIONERS FROM FIVE TO SIX.**

Section 1. Pursuant to G.S. §§ 160A-101 and 160A-102, the Charter of the Town of Matthews as set forth in Chapter 60 of the 1879 Private Laws of North Carolina, as amended, is hereby further amended to increase the Board of Commissioners from five to six in accordance with Part 2 of Article 5 of G.S. 160A and any Charter provisions not in conflict therewith. (Ord. 168, passed 9-12-83; Ord. 185B, passed 12-15-83)

**§ 9. AN ORDINANCE TO AMEND THE CHARTER OF THE TOWN OF MATTHEWS TO ADOPT THE COUNCIL-MANAGER FORM OF GOVERNMENT.**

Section 1. Pursuant to G.S. §§ 160A-101 and 160A-102, the Charter of the Town of Matthews as set forth in Chapter 60 of the 1879 Private Laws of North Carolina, as amended, is hereby further amended to provide that the town shall operate under the Council-Manager form of government in accordance with Part 2 of Article 7 of G.S. Chapter 160A and any Charter provisions not in conflict therewith.

(Ord. 167, passed 9-12-83; Ord. 378, passed 11-24-86)

**§ 10. AN ORDINANCE AMENDING THE CHARTER OF THE TOWN OF MATTHEWS IMPLEMENTING FOUR-YEAR STAGGERED TERMS FOR THE BOARD OF COMMISSIONERS OF THE TOWN OF MATTHEWS, NORTH CAROLINA.**

Section 1. Pursuant to G.S. §§ 160A-101 and 160A-102, the Charter of the Town of Matthews as set forth in Chapter 60 of the 1879 Private Laws of North Carolina, as amended, is hereby further amended to provide that the members of the Town Board of Commissioners shall hereafter be elected for four-year terms on a staggered basis as follows: At the regular municipal election to be held in 1993, the three candidates who receive the highest number of votes shall be elected for four-year terms, while the three candidates who receive the next highest number of votes shall be

elected for two-year terms. Beginning at the regular municipal election to be held in 1995 and every four years thereafter, three members of the Town Board of Commissioners shall be elected to serve four-year terms. Beginning at the regular municipal election to be held in 1997 and every four years thereafter, three members of the governing body shall be elected to serve for four-year terms.

(Ord. 263, passed 2-25-85; Ord. 270A, passed 3-25-85; Ord. 295, passed - - 85; Ord. 690, passed 9-9-91)

**§ 11. AN ORDINANCE AMENDING THE CHARTER OF THE TOWN OF MATTHEWS, ESTABLISHING TWO-YEAR TERMS FOR MEMBERS OF THE BOARD OF COMMISSIONERS OF THE TOWN OF MATTHEWS, NORTH CAROLINA.**

Section 1. Pursuant to G.S. 160A-101 and 160A-102, the Charter of the Town of Matthews as set forth in Chapter 60 of the 1879 Private Laws of North Carolina, as amended, is hereby further amended to provide that the members of the Town Board of Commissioners shall hereafter be elected for two-year terms as follows: At the regular municipal election to be held in 1997, the three candidates elected at said election shall be elected for two year terms.

Section 2. This Ordinance shall take effect only if approved by a vote of the people of the Town of Matthews, said vote to be held on November 5, 1996.

(Ord. 902, passed 9-9-96)