

CHAPTER 2

ADMINISTRATION

For charter provisions as to corporate powers generally, see Char., § 2. As to form of government, see Char., § 3.

For state law as to cities generally, see G.S., § 160A-1 et seq. As to general corporate powers, see G.S., §§ 160A-11, 160A-12. For authority to allow Sunday sales of alcohol beginning at 10:00 AM, see G.S., § 160A-205.3.

As to the dog warden, see §§ 3-3 to 3-5 of this Code. As to building inspector generally, see § 4-4. As to state of emergency generally, see Ch. 6. As to fire department, see §§ 7-7 to 7-15. As to solid waste services director, see § 8-2. As to administration of housing regulations, see §§ 9-11 to 9-30. As to police generally, see Ch. 15. As to the zoning board of adjustment, see §§ 20-61 to 20-69.

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Article I. In General.Sec. 2-1. Registration and conduct of elections.

Registration for and conduct of city elections shall be administered by the county board of elections.

For state law as to city elections, see G. S., §§ 163-279 to 163-305.

Sec. 2-2. Ordinances--Form when proposed.

Every ordinance amending or repealing any ordinance, and every new ordinance shall be proposed in writing, signed by the councilmen presenting the same, and approved as to form by the city attorney. (Code 1961, § 2-4.)

For state law as to ordinance making powers of city generally, see G. S., § 160A-174. As to enforcement of ordinances, see G. S., § 160A-175. As to adoption of technical ordinances, etc., by reference, see G. S., § 160A-76. As to codification of ordinances, see G. S., § 160A-77. As to ordinance book, see G. S., § 160A-78. As to pleading and proving ordinances, see G. S., § 160A-79.

As to rules of construction or ordinances generally, see § 1-2 of this Code. As to repeal, expiration and revival of ordinances, see § 1-6. As to amendments to this Code generally see § 1-7. As to enforcement of ordinances generally, see § 1-8. As to filing of technical codes adopted by reference, see § 1-9. As to vote of mayor in case of tie, see § 2-6.

Sec. 2-3. Same--Effective date.

Every ordinance shall be in force immediately upon its passage, except as otherwise provided. (Code 1961, § 2-5.)

Sec. 2-4. Claims against city.

All persons having claims against the city shall present them in writing to the city manager. (Code 1961, § 2-13.)

Article II. Mayor and Council.

For charter provisions as to form of government, see Char., § 3. As to city council, see Char., §§ 5, 6. As to mayor, see Char., § 7.

For State law as to mayor and council generally, see G. S., §§ 160A-66 to 160A-82. As to organization of government, see G. S., § 160A-146. As to administration of council-manager cities, see G. S., §§ 160A-147 to 160A-152. As to registration and conduct of

elections generally, see § 2-1 of this Code.

Sec. 2-5. Mayor—Duties generally.

It shall be the duty of the mayor to:

- (a) Keep himself informed as to the city's business.
- (b) Preside over the meetings of the council.
- (c) Sign contracts, franchises or paper writings authorized by the council and as required by law.
- (d) Appoint such committees and outline their powers and duties as he deems necessary.
- (e) Make such recommendations as he deems necessary or expedient to the council.

(Amended 4-27-2015.)

For state law as to powers of mayor generally, see G. S., § 160A-67.
As to proclamation of emergencies generally, Ch. 6 of this Code.

Sec. 2-6. Same--To vote in case of tie.

When there is an equal division of the council upon any question, or in the election of officers, the mayor may vote to break a tie, but shall have no vote under any other circumstances. (Code 1961, § 2-23.)

For similar state law, see G. S., § 160A-69.

Sec. 2-7. Resignations.

Resignation of any member of the council shall be in writing and the resignation shall lie on the table until the next regular meeting unless considered by unanimous consent. (Code 1961, § 2-6.)

Sec. 2-8. Disqualification by removal of residence outside city.

If any member of the council shall move his residence from the city, his office shall at once be declared vacant and shall be filled as provided by Section 160A-63 of the General Statutes of North Carolina. (Code 1961, § 2-8.)

For state law as to residency of appointive officers, etc., see G. S.,
§ 160A-60.

Sec. 2-9. Power to consolidate offices.

The council may, except as limited by state law, consolidate any two or more offices and assign the duties of both offices to one or more persons. (Code 1961, § 2-9.)

For state law as to authority of council to consolidate, etc., offices, see G. S., § 160A-146.

Sec. 2-10. Salaries.

The council may fix its own compensation and the compensation of the mayor and any other elected officers of the city by adoption of the annual budget ordinance, but the salary of an elected officer other than a member of the council may not be reduced during the then-current term of office unless he agrees thereto. (Amended June 12, 2000) (Amended 4-27-2015.)

For state law as to authority of council to fix its own compensation and mayor's compensation, see G. S., § 160A-64.

Sec. 2-11. Meetings--Regular.

There shall be one regular meeting of the City Council each month held at the Mount Holly Municipal Complex. The meeting shall be on the second Monday of each month beginning at 7:00 PM. The City Council may establish additional regular meetings at such intervals as it may determine. The City Council may take up such matters as they may elect at regular meetings. (Code 1961, § 2-19.) (amended 9-12-11). (Amended 4-27-2015.)

For state law as to regular and special meetings of council, see G. S., § 160A-71.

Sec. 2-12. Same--Adjourned.

If a quorum shall fail to attend any regular or special meeting of the council or if for any reason the meeting shall fail to complete transaction of the business before it, the meeting may be adjourned to any date prior to the next regular meeting agreed upon by a majority of the members present. (Code 1961, § 2-21.)

For state law as to quorum of council, see G. S., §160A-74.

Sec. 2-13. Order of business.

The order of business for regular meetings of the council shall be as follows:

- (a) Call to order by the mayor.

- (b) Invocation and pledge of allegiance.
- (c) Approval of the agenda.
- (d) Approval of the consent agenda and minutes of former meeting.
- (e) Presentations.
- (f) Public hearings.
- (g) Unscheduled public comment.
- (h) Old business.
- (i) New business.
- (j) Closed session pursuant to N.C.G.S. § 143-318.11 (if any required).
- (k) Other business.
- (l) Adjournment.

(Code 1961, § 2-26.) (Amended 4-27-2015.)

For state law as to authority of council to adopt rules of procedure, see
G. S., 160A-71.

Sec. 2-14. Rules of procedure generally.

Except as otherwise provided by this Code or other ordinance of the city, the procedure of the city council shall be governed by Robert's Rules of Order. (Code 1961, § 2-27.)

For state law as to authority of city to adopt rules of procedure, see G. S.,
§ 160A-71.

Sec. 2-15. Previous questions.

The previous questions may be called at any time by a majority of the members present. The “ayes” and “nays” may be called for by any member. (Code 1961, § 2-28.)

Sec. 2-16. Motions having precedence.

When a question is under consideration, no motion shall be received, except as follows:

- (a) To lay on the table

- (b) To postpone to a time certain.
- (c) To postpone indefinitely.
- (d) To refer to a committee.
- (e) To amend.
- (f) To strike out or insert.
- (g) To divide.

Motions for any of these purposes shall have precedence in the order named. (Code 1961, § 2-29.)

Sec. 2-17. Motion to adjourn.

A motion to adjourn shall always be in order and shall be decided without debate. (Code 1961, § 2-30.)

Article III. Officers and Employees Generally

State law reference--City personnel generally, G. S., §§ 160A-62 to 160A-167.

Sec. 2-18. Conflicts of interest.

No member of the council or other officer or employee shall be pecuniary interested, directly or indirectly, in any contract made or entered into by the council, nor in any matter where the rights or liabilities of the city are, or may be, involved. (Code 1961, § 2-12.)

State law reference-Conflicts of interest in council voting, G. S., § 160A-75.

Sec. 2-19. Expenses of councilmen and other officers.

All committees and members of the council, and all other officers of the city who shall incur any expense in the discharge of their official duties shall present itemized accounts of such to the city manager for audit and payment upon approval. (Code 1961, § 2-11.)

State law reference-Authority of city to fix expense allowances, G. S., § 160A-162.

Sec. 2-20. Social security benefits for employees.

The city extends the benefits authorized by Article 2, Chapter 135 of the General Statutes of North Carolina to its eligible employees in proprietary functions and governmental or nonproprietary functions alike. (Code 1961, § 2-14.)

Sec. 2-21. Personnel Regulations.

The city manager may, in his discretion, establish and amend a “Personnel Policy” from time to time, which policy shall not be an ordinance and shall not vest in any employee a property right or employment contract. (Former Sec. 2-21 Repealed January 5, 1995) (Amended 4-27-2015.)

Sec. 2-22. Same--Administration.

The city manager shall be responsible for the administration of sick leave, vacation leave, holiday and military leave policies and for establishing and maintaining a record system which shall at all times provide full and accurate information as to the amount of sick leave, vacation and military leave which each employee has accrued and the amount which each has taken. (11-11-63)

Sec. 2-23. Retirement.

The city enrolls its eligible employees in the Local Government Employees’ Retirement System or its successor and other applicable state maintained retirement systems. (11-11-63) (Amended 4-27-2015.)

State law reference-Retirement benefits for city employees, G.S.,
§ 160A-163.

Sec. 2-24. City manager--Duties.

The city manager shall have the powers and duties pursuant to N.C.G.S. § 160A-148.

(Code 1961, § 238.) (Amended 4-27-2015.)

For charter provision adopting council-manager form of government, see Char., § 3.

For state law as to city manager generally, see G.S., §§ 160A-147 to 160A-152.

As to sales of lots in cemeteries, see § 5-5 of this Code. As to city manager as executive head of police department, see § 15-1.

Sec. 2-25. Same--Appointment of personnel.

Appointments made by, or under the authority of, the city manager, including the city clerk and finance officer, shall be on the basis of executive and administrative ability and of the training and experience of the appointees in the work which they are to perform. All the appointments shall be without definite term unless for provisional, temporary or emergency service. (Code 1961, 9 2-39.) (Amended 4-27-2015.)

Sec. 2-26. Same--Council not to interfere in appointments, removals or duties.

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 any of his subordinates, or in any manner take part in the appointment or removal of officers and employees in the administrative service of the city. Except for the purpose of inquiry, the council and its members shall deal with the administrative service solely through the manager, and neither the council nor any member thereof shall give orders to any subordinate of the city manager either publicly or privately. (1961, § 2-41.)

Sec. 2-27. Clerk-- Duties generally.

The city clerk shall be under the supervision and direction of the city manager and shall act as secretary to the city council and shall perform other such duties as may be required by the city manager and as prescribed by law. In the absence of an appointment of a city clerk, the city manager may be required to perform the duties of said city clerk in addition to those duties heretofore required of him. The city clerk shall have the powers and duties pursuant to N.C.G.S. § 160A-171. The city manager shall be authorized to appoint a deputy clerk who shall have full authority to exercise and perform any of the powers and duties of the city clerk.

For state law as to city clerk, see G. S. §§ 160A-171, 160A-172.

(Amended 12-08-2008) (Amended 4-27-2015.)

Sec. 2-28. Finance Officer.

The city finance officer shall be under the supervision and direction of the city manager and shall perform such duties as may be required by the city manager and as prescribed by law. The city finance officer shall be provided with a surety bond in an amount fixed by the city council. The city manager shall be authorized to appoint a deputy finance officer who shall have full authority to exercise and perform any of the powers and duties of the finance officer. The city finance officer shall have the powers and duties pursuant to N.C.G.S. § 159-25(a).

(Amended 12-08-08). (Amended 4-27-2015.)

Sec. 2-29. Same--Office hours.

Repealed. (4-27-2015.)

Sec. 2-30. City attorney.

The city council shall appoint a city attorney who shall hold office during the pleasure of the council. It shall be the duty of the city attorney to handle all city litigation; to advise the council and other city officials, to attend council meetings and to prepare such legal documents as may be required by the city. Compensation of the city attorney shall be fixed by the city council.

State law reference-City attorney, G.S., § 160A-173.

Sec. 2-31. Tax collector--Appointment.

The city council shall appoint a tax collector who shall hold office during the pleasure of the council. The city tax collector shall be provided with a surety bond in an amount fixed by the city council. (Code 1961, § 2-45) (Amended 4-27-2015.)

Sec. 2-32. Same--Duties.

The tax collector shall have the powers and duties pursuant to N.C.G.S. § 105-350.

(Code 1961, § 2-46) (Amended 4-27-2015.)

Sec. 2-33. Director of public works--Office created.

Repealed. (4-27-2015.)

Sec. 2-34. Same--Appointment.

Repealed. (Code 1961, § 2-53) (4-27-2015.)

Sec. 2-35. Same--Duties.

Repealed.

(Former Sec. 2-35, Code 1961, § 2-54) (Repealed 4-27-2015.)

Cross reference--Duties with respect to cemeteries, § 5-2; enforcement of housing standards, §§ 9-11-9-13; enforcement of mobile home park regulations, § 12-2.

Article IV. CommissionsSec. 2-36. Beautification commission--Created; composition; appointment and terms of members.

Repealed. (Former Sec. 2-36, Code 1961, § 2-60; Ord. of 1-12-76, 9-10-84) (Repealed 4-27-2015.)

Charter reference--Expenditure of funds for beautification and decoration,
§ 8.

Sec. 2-37. Same--Organization; compensation; vacancies.

Repealed.

(Former Sec. 2-37, Code 1961, § 2-61) (Repealed 4-27-2015.)

Sec. 2-38. Same--Duties and powers.

Repealed. (Former Sec. 2-38, Code 1961, § 2-62) (Repealed 4-27-2015.)

Sec. 2-39. Recreation commission-Created; composition; appointment and terms of members.

There is hereby created a recreation commission composed of ten (10) members, appointed by the mayor and council at their first meeting following the election of the mayor for terms of four (4) years. (Code 1961, § 2-63; Ord. of 1-12-76) (amended 12-10-2007) (amended 3-11-13).

Sec. 2-40. Same--Organization; compensation.

At their first meeting following their appointment the members of the recreation commission shall elect one of their members chairman and one secretary and treasurer.

The members of the commission shall serve without compensation. (Code 1961, § 2-64)

Sec. 2-41. Same--Duties and powers.

It shall be the duty of the recreation commission to survey the recreation needs of the city and make recommendations to the council on ways and means to establish a city recreation program. (Code 1961, § 2-65)

Sec. 2-42. Community Appearance Commission--Established.

Repealed.

Sec. 2-43. Same--Membership qualifications and terms of office.

Repealed.

Sec. 2-44. Same--Organization.

Repealed.

Sec. 2-45. Same--Powers and duties.

Repealed.

Sec. 2-46. Same--Annual report.

Repealed.

Sec. 2-47. Same--Advisory Council, Committees.

Repealed.

Sec. 2-48. Same--Staff and technical services.

Repealed.

Sec. 2-49. Same--Receipt and expenditures of funds.

Repealed.

Sec. 2-50. Same--Effective date.

Repealed.

(Sections 2-42 through 2-50 were adopted on 9-12-88 and repealed 4-27-2015.)

Sec. 2-51. Alcoholic Beverage Control Board- Created; composition; appointment and terms of members.

There is hereby created an Alcoholic Beverage Control Board composed of three members appointed by the City Council of the City of Mount Holly. The members shall serve a three year, staggered term. Compensation for the services of the members shall be as set by the City Council. (Resolution dated May 10, 2004.) (Amended 4-27-2015.)

Sec. 2-52. Tourism Development Authority- Created; composition; appointment and terms of members.

There is hereby created a Tourism Development Authority composed of three members appointed by the City Council of the City of Mount Holly. The members shall

serve a three year, staggered term. Compensation for the services of the members shall be as set by the City Council. (Resolution dated March 8, 2010.) (Amended 4-27-2015.)

Article V. Ordinances adopted pursuant to Local Option authority.

Sec. 2-53. Brunch Bill ordinance.

Pursuant to the authority granted by S.L. 2017-87, any establishment located in the corporate limits of the City of Mount Holly and holding an ABC permit issued pursuant to G.S. 18B - 1001 is permitted to sell beverages allowed by its permit beginning at 10 AM on Sundays.

(Adopted 1-22-2018.)