

Town of Pleasant Garden, NC



TOWN CHARTER AND TOWN ORDINANCES

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CHAPTER I: INCORPORATION AND CORPORATE POWERS

Section 1-1. Incorporation and Corporate Powers.

The inhabitants of the Town of Pleasant Garden are a body corporate and politic under the name "Town of Pleasant Garden." Under that name they have all the powers, duties, rights, privileges, and immunities conferred and imposed on cities by the general law of North Carolina.

CHAPTER II: CORPORATE BOUNDARIES

Section 2-1. Town Boundaries.

Until modified in accordance with the law, the boundaries of the Town of Pleasant Garden are as follows:

BEGINNING at a point in the southern right-of-way line of Ritters Lake Road (S.R. 3325) at its intersection with the western line of Fentress Township with Sumner Township and running; thence, along the southern right-of-way line of said Ritters Lake Road, eastwardly approximately 8440 feet to a point;

thence, along the western line of tax parcel ACL-3-152-540-9, southeastwardly approximately 500 feet to a point;

thence, along the western line of tax parcels ACL-3-152-540-46 and 47, southwardly approximately 1750 feet to a point;

thence, along the southern line of tax parcels ACL-3-152-540-47, 8, and 7, northeastwardly approximately 2140 feet to a point;

thence, along the eastern line of tax parcel ACL-3-152-540-7, northeastwardly approximately 150 feet to a point;

thence, along the southern line of tax parcels ACL-3-152-540-41, 42, and 43, eastwardly approximately 2275 feet to a point;

thence, along the western right-of-way line of Alliance Church Road (N.C. Highway 22), northwardly approximately 500 feet to a point;

thence, crossing said Alliance Church Road, northeastwardly approximately 200 feet to a point in the northern right-of-way line of a proposed new road connecting Alliance Church Road with U. S. Highway 421;

thence, along the northern right-of-way line of said connector road, northeastwardly approximately 1350 feet to a point;

thence, along the southwestern right-of-way line of U. S. Highway 421, southeastwardly approximately 14,400 feet to a point in the centerline of Hagan-Stone Park Road (S.R. 3411);

thence, along the centerline of Hagan-Stone Park Road (S.R. 3411), southwardly approximately 2,500 feet to a point;

thence, along the southern line of tax parcel ACL-9-579-411-39, westwardly approximately 350 feet to a point;

thence, along a line of the Pleasant Garden Fire District and across tax parcel ACL-9-579-411-19, southwardly approximately 175 feet to a point in the northern line of tax parcel ACL-9-579-411-43;

thence, along the northern line of said tax parcel ACL-9-579-411-43, eastwardly approximately 300 feet to a point in the centerline of Hagan-Stone Park Road (S.R. 3411);

thence, along the centerline of said Hagan-Stone Park Road (S.R. 3411), southwestwardly and westwardly approximately 3,600 feet to a point;

thence, along the eastern line of tax parcel ACL-9-579-422-32, southwardly approximately 1,750 feet to a point;

thence, along the southern line of said tax parcel ACL-9-579-422-32, westwardly approximately 1,900 feet to a point;

thence, along a western line of said tax parcel ACL-9-579-422-32, northwardly approximately 230 feet to a point;

thence, along a northern line of said tax parcel ACL-9-579-422-32 with Hagan-Stone Park, eastwardly approximately 600 feet to a point;

thence, along a western line of said tax parcel ACL-9-579-422-32 with Hagan-Stone Park, northwardly approximately 1,200 feet to a point in the centerline of Hagan-Stone Park Road (S.R. 3411);

thence, along the centerline of said Hagan-Stone Park Road (S.R. 3411) northeastwardly approximately 800 feet to a point;

thence, along the western line of tax parcels ACL-9-579-422-35 and 23, with Hagan-Stone Park, northwardly approximately 1,530 feet to a point in the southern line of tax parcel ACL-9-579-422-12;

thence, along the southern line of said tax parcel ACL-9-579-422-12 with Hagan-Stone Park, westwardly approximately 480 feet to a point;

thence, along the western line of said tax parcel ACL-9-579-422-12 with Hagan-Stone Park, northwardly approximately 1,350 feet to a point in the centerline of Tabernacle Church Road (S.R. 3412);

thence, along the centerline of said Tabernacle Church Road (S.R. 3412) westwardly approximately 150 feet to a point;

thence, along the eastern line of tax parcel ACL-9-579-422-11 with Hagan-Stone Park southwardly approximately 1,300 feet to a point;

thence, along the southern line of tax parcels ACL-9-579-422-11 and 7 and ACL-9-579-477-11, 15, 33, 35, and 26, with Hagan-Stone Park, westwardly approximately 2,100 feet to a point;

thence, along the eastern line of tax parcel ACL-9-579-477-25 with Hagan-Stone Park southwardly

approximately 280 feet to a point;

thence, along the southern line of tax parcels ACL-9-579-477-25, 24, and 41 with Hagan-Stone Park southwestwardly approximately 1,370 feet to a point;

thence, along the western line of tax parcel ACL-9-579-477-41 with Hagan-Stone Park, northeastwardly approximately 700 feet to a point, the southeast corner of tax parcel ACL-9-579-477-40;

thence, along the southern line of tax parcels ACL-9-579-477-40 and 43 with Hagan-Stone Park, westwardly approximately 1,350 feet to a point;

thence, along the eastern line of tax parcels ACL-9-579-477-43, ACL-3-156-482-2 and 5, ACL-3-156-487-1 and 6 and ACL-9-579-478-8, southwardly approximately 3,800 feet to a point in the centerline of Hagan-Stone Park Road (S.R. 3411);

thence, along the centerline of said Hagan-Stone Park Road (S.R. 3411) eastwardly approximately 2,800 feet to a point;

thence, along the eastern line of tax parcel ACL-9-579-478-3 with Hagan-Stone Park, southwardly approximately 125 feet to a point;

thence, along the northern line of tax parcel ACL-9-579-478-3 with Hagan-Stone Park, eastwardly approximately 1,200 feet to a point;

thence, along the eastern side of tax parcel ACL-9-579-478-3 the following 5 courses:

Southwardly approximately 500 feet to a point

Eastwardly approximately 100 feet to a point

Southwardly approximately 975 feet to a point

Westwardly approximately 190 feet to a point

Southwardly approximately 1,300 feet to a point in the centerline of Fieldview Road (S.R. 3407);

thence, along the centerline of said Fieldview Road (S.R. 3407) southeastwardly and eastwardly approximately 1,700 feet to a point;

thence, along the eastern line of tax parcel ACL-9-577-420-19, southwardly approximately 620 feet to a point;

thence, along the southern line of tax parcel ACL-9-577-420-19, westwardly approximately 300 feet to a point;

thence, along the eastern line of tax parcel ACL-9-577-420-21, southwardly approximately 400 feet to a point;

thence, along the southern line of tax parcels ACL-9-577-420-21, 22, and 23, north westwardly approximately 800 feet to a point;

thence, along the southern line of tax parcels ACL-9-577-420-9 and 26, southwestwardly approximately 1450 feet to a point in the eastern line of tax parcel ACL-9-579-479N-4;

thence, along the eastern side of tax parcel ACL-9-579-479N-4, the following 3 courses:

Southwardly approximately 200 feet to a point

Eastwardly approximately 50 feet to a point

Southwardly approximately 1,350 feet to a point, the southeast corner of said tax parcel ACL-9-579-479N-4;

thence, along the southern line of tax parcel ACL-9-579-479N-4, westwardly approximately 1,800 feet to a point;

thence, along the southern line of tax parcel ACL-3-158-479S-15, southwestwardly approximately 280 feet to a point;

thence, along the eastern line of tax parcel ACL-3-158-479S-4, southwardly approximately 200 feet to a point;

thence, along the southern line of said tax parcel ACL-3-158-479S-4, southwestwardly approximately 380 feet to a point in the centerline of N.C. Highway 22;

thence, along the centerline of said N.C. Highway 22, southeastwardly approximately 600 feet to a point;

thence, along the southern line of tax parcels ACL-3-158-479S-3, 13, 12, and 17, ACL-3-158-485-11, ACL-3-158-486S-15, 13, and 12, southwestwardly approximately 3,000 feet to a point, the northeastern corner of tax parcel ACL-3-158-485-6;

thence, along the eastern line of said tax parcel ACL-3-158-485-6, southwardly approximately 1,900 feet to a point;

thence, along the southern line of tax parcels ACL-3-158-485-6 and 9, westwardly approximately 1,430 feet to a point in the centerline of Kearney Road (S.R. 3404);

thence, along the centerline of said Kearney Road (S.R. 3404), northwardly approximately 300 feet to a point;

thence, along the southern line of tax parcels ACL-3-158-485-6 and ACL-3-158-546-2, westwardly approximately 2,200 feet to a point;

thence, along a western line of tax parcel ACL-3-158-546-2, northwardly approximately 960 feet to a point;

thence, along the southern line of tax parcel ACL-3-158-546-2, westwardly approximately 1,300 feet to a point;

thence, along the eastern line of tax parcels ACL-3-158-546-12, 13, 14, 21, 15, 16, 17, 18, 19, and 20, southwardly approximately 1,600 feet to a point;

thence, along the southern line of tax parcel ACL-3-158-546-20, westwardly approximately 300 feet to a point in the centerline of Hunt Road (S.R. 3402);

thence, along the centerline of said Hunt Road (S.R. 3402), southward approximately 650 feet to a point;

thence, along the southern line of tax parcel ACL-3-158-546-3, westwardly approximately 1,000 feet to a point;

thence, along the southern line of tax parcel ACL-3-158-546-7, northwestwardly approximately 630 feet to a point;

thence, along the western line of tax parcels ACL-3-158-546-7, and 30, northeastwardly approximately 1,020 feet to a point;

thence, along the southern line of tax parcel ACL-91-6784-551-25 and the southern line of Pleasant Grove Subdivision which is designated as B-Sub of block 551, tax map ACL-91-6784, westwardly approximately 650 feet to a point, the northeast corner of tax parcel ACL-91-6784-551-12;

thence, along the eastern line of said tax parcel ACL-91-6784-551-12, southwardly approximately 500 feet to a point;

thence, along the southern line of said tax parcel ACL-91-6784-551-12, westwardly approximately 520 feet to a point, the northeast corner of Center Subdivision;

thence, along eastern lines of said Center Subdivision, which is designated as A-Sub of block 551, tax map ACL-91-6784, the following 5 courses;

Southwestwardly approximately 500 feet to a point;

Southeastwardly approximately 200 feet to a point;

Southwestwardly approximately 600 feet to a point;

North westwardly approximately 200 feet to a point;

Southwestwardly approximately 300 feet to a point;

thence, along the southern line of said Center Subdivision, westwardly approximately 460 feet to a point in the centerline of Branson Mill Road (S.R. 3437);

thence, along the centerline of said Branson Mill Road (S.R. 3437) northeastwardly approximately 100 feet to a point;

thence, along the southern line of tax parcel ACL-91-6784-550N-22, westwardly approximately, 550 feet to a point in the eastern line of tax parcel ACL-91-6784-550N-1;

thence, along the eastern line of said tax parcel ACL-91-6784-550N-1, southwardly approximately 75 feet to a point;

thence, along the southern line of tax parcels ACL-91-6794-550N-1 and 15, westwardly

approximately 350 feet to a point;

thence, along the eastern line of tax parcel ACL-91-6784-550N-14, southwardly approximately 700 feet to a point;

thence, along the southern line of said tax parcel ACL-91-6784-550N-14, westwardly approximately 950 feet to a point;

thence, along the western line of tax parcels ACL-91-6784-550N-14, 11, and 21 and ACL-91-6784-551-2 and crossing Hodgkin Valley Road (S.R. 3440), northwardly approximately 2,000 feet to a point;

thence, along the northern line of tax parcels ACL-91-6784-551-2, 17, 5, and 14 and the northern line of Center Subdivision, which is designated as A-Sub of block 551, ACL-91-6784, westwardly approximately 2,170 feet to a point in the centerline of Branson Mill Road (S.R. 3437);

thence, along the centerline of said Branson Mill Road (S.R. 3437), northeastwardly approximately 1,100 feet to a point;

thence, along the southern line of tax parcel ACL-91-6784-551-18, northwestwardly approximately 400 feet to a point;

thence, along the western line of tax parcels ACL-91-6784-551-18 and 8, northwestwardly approximately 1,300 feet to a point;

thence, along the southern line of tax parcels ACL-91-6784-551-8, 24, and 22, westwardly approximately 950 feet to a point;

thence, along the western line of tax parcels ACL-91-6784-551-22 and 23, northwestwardly approximately 1,050 feet to a point;

thence, along the northern line of tax parcel ACL-91-6784-551-23, northeastwardly approximately 350 feet to a point, the southwest corner of tax parcel ACL-91-6784-552S-6;

thence, along the western line of said tax parcel ACL-91-6784-552S-6, northwardly approximately 750 feet to a point;

thence, along the southern line of tax parcels ACL-91-6784-552S-6 and 5, southwestwardly approximately 1,800 feet to a point in the eastern line of tax parcel ACL-91-6784-611S-3;

thence, along the southeastern line of said tax parcel ACL-91-6784-611S-3 as it meanders southwestwardly approximately 840 feet to a point;

thence, along the southern line of said tax parcel ACL-91-6784-611S-3, southwestwardly approximately 620 feet to a point;

thence, along the southwestern line of said tax parcel ACL-91-6784-611S-3, as it meanders northwestwardly approximately 875 feet to a point in the centerline of Robolo Road (S.R. 3439);

thence, along the centerline of said Robolo Road (S.R. 3439) southwestwardly approximately 900 feet to its intersection with the western line of Davis Mill Road;

thence, along the western line of Davis Mill Road, northwardly approximately 7820 feet to a point in the northern line of tax parcel ACL-9-635-609-19;

thence, along the northern line of tax parcel ACL-9-635-609-19, southeastwardly approximately 470 feet to a point in the western line of Davis Mill Road (S.R. 3433);

thence, along the western line of said Davis Mill Road (S.R. 3433), northeastwardly approximately 3,050 feet to a point;

thence, along the southern line of Nocho Park Subdivision which is designated as B-Sub of block 609, ACL-9-635, westwardly approximately 1,350 feet to a point;

thence, along the western line of said Nocho Park Subdivision, northwardly approximately 1,350 feet to a point in the centerline of Sheraton Park (S.R. 3426);

thence, along the centerline of said Sheraton Park Road (S.R. 3426) westwardly approximately 1440 feet to its intersection with the western line of Fentress Township with Sumner Township;

thence, along the western line of Fentress Township with Sumner Township, northwardly approximately 8180 feet to the point of BEGINNING.

Section 2-2. Annexation of Property.

The right to annex properties into the boundaries of the Town of Pleasant Garden in accordance with Article 4A of Chapter 160A of the General Statutes shall only apply to properties located south of the Town's corporate limits and confined within the following boundaries: bounded on the east by U.S. 421, running southwardly to Company Mill Road; thence along Company Mill Road to Monnett Road; thence along Monnett Road to N.C. 22; thence along N.C. 22 to the Guilford County line; and bounded on the west by the Fentress Township line beginning at Ritters Lake Road and running southwardly to the west right-of-way line of Davis Mill Road; thence Davis Mill Road to the Guilford County line.

Annexation of property into the boundaries of the Town of Pleasant Garden shall come at the request of the owners of real property according to G.S. 160A-31 or G.S. 160A-58.1. No property shall be annexed by the Town of Pleasant Garden involuntarily under Part 2 or 3 of Article 4A of Chapter 160A of the General Statutes.

In the event the boundaries are to be modified, changed, altered, reduced, or extended through future action of the General Assembly by request of the Town Council, the Town Clerk or other person designated by the Town Council shall notify the Mayor and City Council of the City of Greensboro, in writing, prior to the convening of the next ensuing session of the General Assembly in which a change in the boundaries is to be considered and shall first seek the support of the City of Greensboro.

G.S. 160A-58.1(b)(2) shall not apply to the City of Greensboro as it relates to the Town of Pleasant Garden.

CHAPTER III: GOVERNING BODY

Section 3-1. Structure of the Governing Body; Number of Members.

The governing body of the Town of Pleasant Garden is the Town Council which has, beginning with the organizational meeting after the 2009 municipal election, four members and the Mayor. *Revised by Session Law 2009-167 ratified by the NC General Assembly on June 25, 2009.*

Section 3-2. Manner of Electing Council.

The qualified voters of the entire Town nominate and elect the council.

Section 3-3. Term of Office of Council Members.

In 2007, three members of the Council were elected for four-year terms. In 2009, one member is elected for a four-year term. In 2011, three members are elected to the Council with the two persons receiving the highest number of votes receiving four-year terms and the person receiving the third highest number of votes receiving a two-year term. In 2013, and biennially thereafter, two members are elected to the Council for four-year terms. *(Revised by Session Law 2009-167 ratified by the NC General Assembly on June 25, 2009.)*

Section 3-4. Mayor; Term of Office.

Effective with the 2009 municipal election, the Mayor is elected biennially for a two-year term. The Mayor will have the right to vote on any matter before the Council.

Amendment approved in the November 6, 2007 referendum; Revised by Session Law 2009-167 ratified by the NC General Assembly on June 25, 2009.

CHAPTER IV: ELECTIONS

Section 4-1. Method.

Elections shall be conducted on a nonpartisan primary basis and the results determined in accordance with G.S. 163-294. *(Revised by Session Law 2009-167 ratified by the NC General Assembly on June 25, 2009.)*

Section 4-2. Results.

Election results shall be determined by the Guilford County Board of Elections according to Chapter 163 of the General Statutes.

CHAPTER V: ADMINISTRATION

Section 5-1. Mayor-Council Plan.

The Town of Pleasant Garden shall operate under the Mayor-Council Plan as provided in Part 3 of Article 7 of Chapter 160A of the General Statutes.

Section 5-2. Interim Council.

Notwithstanding Section 3-1 of this Charter, from the effective date of this Charter until the organizational meeting of the Town Council after the 1999 municipal election, the members of the Council shall be: Larry Still, Mary Ann McNabb, Bill Wright, Jim Ayres, Betsy Lowder, Amy Parsons, Terry Lee, Ken Lentz, Gene Kimel, Scott Nowlan, and Cynthia Spencer*.

Section 5-3. Taxation and Funds.

The Town of Pleasant Garden is eligible to receive distributions of state funds during the fiscal year 1997-98.

Notwithstanding G.S. 160A-209(d), except with the approval of the qualified voters of the Town in a referendum under G.S. 160A-209, the Town may not levy ad valorem taxes in excess of twenty cents (20 cents) on the one hundred dollar (\$100.00) valuation. This subsection does not limit taxation to pay the debt service on general obligation indebtedness incurred by the Town in accordance with law.

NOTE: Cynthia Spencer resigned her position prior to the town's incorporation. Earlie Johnson was elected to replace her. Mr. Johnson was sworn in as a Town Council member at the town's organization meeting on November 13, 1997.

CHAPTER VI. RECALL OF ELECTED OFFICIALS.

Sec. 6-1. The Mayor and any member of the Town Council of the Town of Pleasant Garden may be removed from office in the manner provided for in this act.

Sec. 6-2. Any registered voter of the Town may file an affidavit with the Guilford County Director of Elections containing the name of the elected official whose removal is sought and a general statement of the grounds alleged for removal. The Director of Elections shall provide the registered voter filing the affidavit with petition forms for demanding the removal of a Town elected official.

The petition forms shall:

- (1) Be signed by the Director of Elections.
- (2) Be dated on the date of issuance.
- (3) Be addressed to the Guilford County Board of Elections.
- (4) Contain the name of the person to whom the form is issued.

- (5) Contain the name of the official whose removal is sought.
- (6) Contain a general statement of the grounds on which the removal is sought.
- (7) Provide a place for signatures.

The Director of Elections shall promptly deliver a copy of the petition issued by the Director of Elections to the Town Clerk, who shall enter the copy of the petition in a record book kept for that purpose. The record book shall be maintained at the Office of the Clerk.

Sec. 6-3. To be effective, a recall petition must be returned to the Board of Elections within 30 days after the filing of the affidavit. To be sufficient, a recall petition must bear the signatures of at least thirty-three percent (33%) of the registered voters of the Town as shown by the registration records of the last preceding general municipal election.

Sec. 6-4. The signatures to the petition need not all be appended to one paper. Each signer shall add his or her signature and the signer's place of residence, giving the residence address including town. One of the signers of each paper shall take an oath before an officer competent to administer oaths that each signature to the paper appended is the genuine signature of the person whose name it purports to be.

Sec. 6-5. The Board of Elections shall investigate the sufficiency of any petition and certify the results of the investigation to the Town Council. The Board of Elections may employ persons as it deems necessary to undertake that investigation. The Town Council shall reimburse the Board of Elections for the reasonable cost of the investigation. The Board of Elections may adopt rules concerning the validation of signatures appearing on the recall petition.

Sec. 6-6. The Board of Elections shall complete its investigation and issue its certification of the results of the investigation within 15 days after the filing of any petition. If, by the Board of Elections' certification, the petition is shown to be insufficient, it may be amended within 10 days from the date of the certificate. The Board shall, within 10 days after any amendment, complete an investigation of the amended petition. If the certification of the results of the investigation shows the amended petition to be insufficient, a copy of the petition shall be returned to the person filing the petition, without prejudice to the filing of a new petition.

Sec. 6-7. Upon a determination that a sufficient recall petition has been submitted, the Board of Elections shall submit the petition to the Town Clerk, who shall submit it to the Town Council and shall notify the officer whose removal is sought. If the officer whose removal is sought does not resign within five days after receiving the notice, the Town Council shall order and fix a date for holding a recall election. Subject to the remaining provisions of this section, an election shall be held not less than 90 nor more than 120 days after the petition has been certified as being sufficient. If any other general or special election is scheduled within this period, the Town Council shall schedule the special election at the same time. If the provisions of general law prohibit the holding of a special election during this time period and no general or special election is otherwise scheduled during that period of time, then the Town Council shall schedule the special recall election for a date within 10

days after the last day of the period of time during which special elections are prohibited by general law.

Sec. 6-8. The Board of Elections shall cause legal notice of the election to be published. That notice shall include the general statement of the grounds on which the recall is sought as alleged in the affidavit and shall make all arrangements for holding the election in accordance with general law. The recall election shall be conducted, returned, and the results declared as in other elections in Pleasant Garden. The Town shall reimburse the reasonable costs of the recall election to the Board of Elections.

Sec. 6-9. The question of recalling any number of officials may be submitted at the same election. But as to each such official, a separate petition shall be filed and there shall be an entirely separate ballot.

Sec. 6-10. The ballots used in a recall election shall submit the following proposition:

FOR AGAINST
The recall of (name and title of official)."

Sec. 6-11. If less than a majority of the votes cast on the question of recalling an official are for recall, the official shall continue in office for the remainder of the unexpired term and, except as provided by Section 13 of this act, shall be subject to the recall as before. If a majority of such votes are for the recall of the official designated on the ballot, the official shall be deemed removed from office.

Sec. 6-12. If an official concerning whom a sufficient recall petition is submitted to the Town Council resigns before the recall election or is removed from office as a result of the recall election, the vacancy shall be filled in the manner provided by law for filling vacancies in that office. An official removed from office by the voters as a result of a recall election shall not be appointed to fill the vacancy caused by that official's own removal or resignation.

Sec. 6-13. No recall petition shall be filed against an officer who has been subjected to a recall election, and not removed thereby, until at least six months after that recall election. No recall petition shall be filed against an officer during the first three months of the term of that office.

Sec. 6-14. If the recalls of a majority of the members of the Town Council are effected at a single recall election, the successors of the officers recalled shall be elected by the registered voters of the Town at a special municipal election, and the successors shall serve for the remainder of the terms of the officers recalled. The members of the Town Council who have not been recalled shall call that special election, which shall be conducted by the Guilford County Board of Elections under the laws then governing elections in the State. If the recall of all the members of the Town Council is effected at a single election, they shall continue in office for the purpose, and only for the purpose, of calling a special municipal election for the election of their successors as provided in this section. That election shall also be conducted by the Guilford County Board of Elections under the laws then governing elections in the State.

§02 AMENDMENTS

[Reserved for future codification]

