

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 843

Short Title: Cedar Rock Incorporation.

(Local)

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Sponsors: Representative Starnes (By Request).

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Referred to: Local and Regional Government II, if favorable, Finance.

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April 7, 1997

1 A BILL TO BE ENTITLED  
2 AN ACT TO INCORPORATE THE TOWN OF CEDAR ROCK SUBJECT TO A  
3 REFERENDUM.

4 The General Assembly of North Carolina enacts:

5 Section 1. A Charter for the Town of Cedar Rock is enacted to read:

6 "CHARTER OF THE TOWN OF CEDAR ROCK.

7 "CHAPTER I.

8 "INCORPORATION AND CORPORATE POWERS.

9 "Section 1.1. **Incorporation and Corporate Powers.** The inhabitants of the Town of  
10 Cedar Rock are a body corporate and politic under the name 'Town of Cedar Rock'.  
11 Under that name they shall have all the powers, duties, rights, privileges, and immunities  
12 conferred and imposed on cities by the general law of North Carolina.

13 "Section 1.2. **Map.** An official map of the Town, showing the current boundaries, is  
14 maintained permanently in the office of the Town Clerk and is available for public  
15 inspection. A true copy of the official map shall be filed in the office of the Caldwell  
16 County Register of Deeds.

17 "CHAPTER II.

18 "TOWN BOUNDARIES.

19 "Section 2.1. **Town Boundaries.** Until modified in accordance with the law, the  
20 boundaries of the Town of Cedar Rock are as follows:

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**"CHAPTER III.  
"GOVERNING BODY.**

"Section 3.1. **Structure of Governing Body; Numbers of Members.** The Council shall be composed of five members to be elected by all the qualified voters of the Town for terms of four years, or until their successors are elected and qualified.

"Section 3.2. **Mayor-Council Plan.** The Town of Cedar Rock shall operate under the Mayor-Council plan as provided in Part 3 of Article 7 of Chapter 160A of the General Statutes.

"Section 3.3. **Mayor; Term of Office; Duties.** The Mayor shall be elected by the Council from among its membership to serve for a term of four years. The Mayor shall be the official head of the Town government and shall preside at meetings of the Council and shall have the right to vote on all matters before the Council.

"Section 3.4. **Meetings.** In accordance with general law, the Council shall establish a suitable time and place for its regular meetings. Special and emergency meetings may be held as provided by general law.

"Section 3.5. **Quorum; Voting Requirements.** Official actions of the Council and all votes shall be taken in accordance with applicable provisions of general law, particularly G.S. 160A-75. The quorum provisions of G.S. 160A-74 shall apply.

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**"CHAPTER IV.  
"ELECTIONS.**

"Section 4.1. **Regular Municipal Elections.** Regular municipal elections shall be held in each odd-numbered year in accordance with the uniform municipal election laws of North Carolina. Elections shall be conducted on a nonpartisan basis and the results determined using the nonpartisan plurality method as provided in G.S. 163-292.

"Section 4.2. **Election of Council Members.** Elections shall be conducted by the Caldwell County Board of Elections, unless otherwise provided in accordance with G.S. 163-285. In 1997, the three persons who receive the highest number of votes shall serve four-year terms, and the two persons receiving the next highest number of votes shall serve two-year terms. The terms will continue to be staggered, with ensuing council members being elected for four-year terms.

"Section 4.3. **Special Elections and Referenda.** Special elections and referenda may be held only as provided by general law or applicable local acts of the General Assembly.

"Section 4.4. **Special Filing Period.** The Caldwell County Board of Elections shall establish a special candidate filing period for the 1997 municipal elections."

Section 2. The provisions of G.S. 160A-63 shall not apply to the Town of Cedar Rock until after the first election of the Town Council.

Section 3. From and after the effective date of this act, the citizens and property in the Town of Cedar Rock shall be subject to municipal taxes levied for the

1 year beginning July 1, 1997, and for that purpose the Town shall obtain from Caldwell  
2 County a record of property in the area herein incorporated that was listed for taxes as of  
3 January 1, 1997, and the businesses in the Town shall be liable for privilege license tax  
4 from the effective date of the privilege license tax ordinance. The Town may adopt a  
5 budget ordinance for fiscal year 1997-98 without following the timetable in the Local  
6 Government Budget and Fiscal Control Act.

7 Section 4. The Caldwell County Board of Elections shall conduct an election  
8 on a date set by the Board, to be not less than 60 nor more than 120 days after this act  
9 becomes law, for the purpose of submission to the qualified voters of the area described  
10 in Section 2.1 of the Charter of the Town of Cedar Rock the question of whether or not  
11 the area shall be incorporated as the Town of Cedar Rock. Registration for the election  
12 shall be conducted in accordance with G.S. 163-288.2.

13 Section 5. In the election, the question on the ballot shall be:

14  FOR  AGAINST  
15 **INCORPORATION OF THE TOWN OF CEDAR ROCK."**

16 Section 6. In the election, if a majority of the votes are cast "For incorporation  
17 of the Town of Cedar Rock", Sections 1 through 3 of this act shall become effective on  
18 the date that the Caldwell County Board of Elections certifies the results of the election.  
19 Otherwise, those sections shall have no force and effect.

20 Section 7. This act is effective when it becomes law.