

NORTH CAROLINA GENERAL ASSEMBLY
1961 SESSION

CHAPTER 182
HOUSE BILL 205

AN ACT TO INCORPORATE THE TOWN OF BOILING SPRING LAKES IN
BRUNSWICK COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Town of Boiling Spring Lakes in the County of Brunswick, within the boundaries hereinafter established, is hereby incorporated under the name of the Town of Boiling Spring Lakes, and same is hereby created a body politic and corporate and shall hereafter possess all the corporate powers and be subject to all the provisions contained in Chapter 160 of the General Statutes of North Carolina and other general laws of the State relating to cities and towns and all such provisions that are not inconsistent with this Act are hereby made a part of the same.

Sec. 2. The lands included within the boundaries and corporate limits of said Town of Boiling Spring Lakes are as follows:

All that certain piece, parcel or tract of land lying and being in Town Creek and Smithville Townships, Brunswick County, North Carolina, formerly known as the Allen Creek Tract, but more recently as the Boiling Spring Tract, which tract of land lies on both sides of Allen Creek and on both sides of North Carolina Highway Number 87 and contains within its perimeter about 14,000 acres, be the said acreage substantially more or less, said lands being all the lands, without exception, lying within the outer bounds of a certain survey made by J. B. Atkinson, surveyor, a map thereof being duly recorded in Book of Maps 1, page 87, in the Office of the Register of Deeds of Brunswick County, North Carolina, to which map reference is hereby made for greater particularity of description.

Sec. 3. The governing body of the Town of Boiling Spring Lakes shall consist of a mayor and four commissioners. The following members of the governing body are hereby appointed to serve from the effective date of this Act, until their successors are duly elected and qualified as hereinafter provided:

Harold Greene, Mayor, and Carl E. Kleimo, Henry B. Smytte, Grange S. Cuthbert, III, and Douglass M. Bradham, Commissioners.

Sec. 4. In the last week of May, 1963, and biennially thereafter, the Governor of the State of North Carolina shall appoint five commissioners for the Town of Boiling Spring Lakes, who shall be sworn in as such commissioners as soon after such appointments as is possible, by any person authorized to administer oaths and shall take office on June 1st, the date upon which their respective terms begin; provided, the

Governor shall consider for appointment to fill said offices those persons who shall be recommended to him and who shall be selected as follows:

(a) On or before the first day of April, 1963, and biennially thereafter, any qualified voter desiring to become a candidate for commissioner of the Town of Boiling Spring Lakes shall file with the clerk of said town their petition for said office, signed by at least three freeholders or legal residents of said town.

The Clerk of the Town of Boiling Spring Lakes shall be custodian of and shall retain a book for the registration of freeholders and legal residents of the Town of Boiling Spring Lakes, which book shall remain open the year round for the registration of freeholders and legal residents of the said town. Registration may be in person or by mail upon a form to be furnished by the clerk upon request. Such form shall be in the format of an affidavit and shall recite the fact that the registrant is a resident of or a freeholder in the Town of Boiling Spring Lakes and if a freeholder, shall give a brief description of the property, the name of the grantor and the name of the person or persons in whom title is vested; provided, no person shall be entitled to vote in a municipal election for the Town of Boiling Spring Lakes unless he or she be registered by the town clerk not later than April 1 of the said election year.

(b) On or before the 15th day of April, 1963, and biennially thereafter, there shall be forwarded by the Clerk of the Town of Boiling Spring Lakes, a ballot to every registered freeholder at his last known address and to registered legal residents of said town, said ballot containing the names of the persons so filing for the above stated offices. The ballots shall be properly marked as designated, placed in a sealed envelope which shall be notarized by any person authorized to administer oaths, and returned to the Chairman of the County Board of Elections of Brunswick County in a sealed envelope not later than six o'clock P.M., on the Wednesday following the first Monday of May, 1963, and biennially thereafter, said ballots to be then opened and tabulated at seven-thirty o'clock P.M., on said Wednesday, in the office of the Clerk of the Town of Boiling Spring Lakes by the Chairman of the Brunswick County Board of Elections, or other member designated by the chairman, said opening being public.

When the ballots have been opened and tabulated as hereinabove provided, the Clerk of the Town of Boiling Spring Lakes and the Chairman of the Brunswick County Board of Elections, or other member designated by the chairman, shall immediately forward to the Governor of the State of North Carolina the result of said balloting. The list forwarded to the Governor shall contain the names of all candidates for office and the number of votes which each candidate received. From said list, the Governor of the State of North Carolina shall appoint five persons to the office of commissioner, who shall serve for a term of four years each or until their successors are duly appointed and qualified; provided, however, that of the commissioners to be appointed in May, 1963, three commissioners shall be appointed to serve for a term of four years each and the other two commissioners shall be appointed to serve for a term of two years each. Thereafter, all commissioners duly appointed shall serve for a four-year term or until their successors are duly appointed and qualified. The persons so appointed by the Governor shall constitute the governing body of said town and shall possess and be vested with all the powers and duties of cities and towns in this State.

Said commissioners shall elect from among their number one person to be mayor, who shall serve for a term of two years, or until his successor is duly appointed and qualified.

For the purpose of holding office or casting ballots for town officers, a legal resident shall be considered to be a person whose residence is in the Town of Boiling Spring Lakes six months or more out of the year, thirty days of which immediately precedes the day fixed for election of town officers: Provided, that no person shall cast more than one ballot either as a freeholder or as a legal resident of the town.

Upon the death, resignation, or removal of any member of the board of commissioners, or mayor, the board shall have the power to fill said vacancy for the remainder of the unexpired term.

Sec. 5. The Chairman of the County Board of Elections of Brunswick County, or other member designated by the chairman, shall receive for his services, in addition to such other compensation as he may receive, the sum of fifteen dollars (\$15.00) for supervising the opening and tabulating of ballots. Said amount shall be paid by the Town of Boiling Spring Lakes; and said town is hereby authorized, empowered and directed to pay such other necessary expense as may be incurred in carrying out the provisions of this Act.

Sec. 6. The board of commissioners may appoint a town clerk, a treasurer, a tax collector, an accountant, a town attorney, a chief of police, a fire chief, and such other officers and employees as may be necessary, none of whom need be a resident of the town: Provided, that the board of commissioners may designate one person to serve in any two or more such positions which, in its discretion, it may combine. Such employees or officers shall serve at the pleasure of the board of commissioners, and shall perform such duties as may be prescribed by the board of commissioners. The board of commissioners shall fix all salaries, prescribe bonds and require such oaths as they may deem necessary.

Sec. 7. The governing body of said town may levy taxes for the fiscal year, July 1, 1961, to June 30, 1962, at any time after the effective date of this Act and do all other things preliminary to making such levy as is by law provided. The list of real and personal property and polls within the corporate limits of the Town of Boiling Spring Lakes as listed for taxation in Brunswick County as of January 1, 1961, and annually thereafter, shall be used by said town. Taxpayers may prepay said taxes at any time after the tax rate is fixed for 1961 and before October 1, 1961. Taxes collected pursuant to said levy may be expended for and during the fiscal year ending June 30, 1962, as well as for the ensuing year.

In 1962 and thereafter, said town shall be subject to the general laws of the State relating to the taxing powers of incorporated cities and towns.

Sec. 8. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 9. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 7th day of April, 1961.