

NORTH CAROLINA GENERAL ASSEMBLY  
1961 SESSION

CHAPTER 866  
SENATE BILL 360

1 AN ACT TO AMEND ARTICLE 12 OF CHAPTER 130 OF THE GENERAL STATUTES  
2 OF NORTH CAROLINA, TO AUTHORIZE A SANITARY DISTRICT CREATED  
3 UNDER THIS CHAPTER TO MERGE WITH A CITY OR TOWN BY MAJORITY  
4 VOTE OF THE QUALIFIED VOTERS OF BOTH THE SANITARY DISTRICT AND  
5 THE CITY OR TOWN.  
6

7 The General Assembly of North Carolina do enact:  
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9 **Section 1.** Article 12 of Chapter 130 of the General Statutes of North Carolina is  
10 hereby amended by adding the following, which shall be designated as G.S. 130-156.2:

11 "**G.S. 130-156.2.** A sanitary district created under the provisions of this Article may merge  
12 with a contiguous city or town in the following manner:

13 "(1) The sanitary district board of commissioners and the governing board of the  
14 contiguous city or town may both resolve that it is advisable and feasible to call an election  
15 within both the sanitary district and said city or town to determine if the sanitary district and  
16 said contiguous city or town shall merge.

17 "(2) If the sanitary district board and the governing board of the contiguous city or town  
18 shall so resolve that it is advisable or expedient to call for such election, both boards shall adopt  
19 a resolution calling upon the board of county commissioners in the county or counties in which  
20 the district and the town or city or any portion thereof is located to call for an election on a  
21 date named by the sanitary district board and the governing board of the contiguous city or  
22 town, and request said board of commissioners to call to be held on the said date an election  
23 within the sanitary district and an election within the contiguous city or town on the proposition  
24 of merger of the sanitary district with the contiguous city or town.

25 "(3) If an election is called as provided in Subsection (2) above, the Board of  
26 Commissioners of such county shall provide ballots for such election in substantially the  
27 following form:

28 'FOR merger of the Town of \_\_\_\_\_ and the  
29 \_\_\_\_\_ Sanitary District, if a majority of the  
30 registered voters of both the Sanitary District and the Town vote in favor of merger, the  
31 combined territories to be known as the Town of \_\_\_\_\_ and  
32 to assume all of the obligations of the Sanitary District and to receive from the Sanitary District  
33 all the property rights of the District; from and after merger residents of the District would  
34 enjoy all of the benefits of the municipality and would assume their proportionate share of the  
35 obligation of the Town as merged.'

36 'AGAINST merger.'

37 "(4) If at such election a majority of the registered voters of the sanitary district who  
38 shall vote thereon at such election shall vote in favor of the proposition submitted, and if a  
39 majority of the registered voters of the contiguous city or town who shall vote thereon at such  
40 election shall vote in favor of the proposition submitted, the sanitary district shall merge with  
41 the city or town on July 1 following said election. Should the majority of the registered voters  
42 of either the sanitary district or the contiguous city or town vote against the proposition, then  
43 the merger authorized under this Statute shall not be effected. The sanitary district board and

1 governing board of the contiguous city or town may, however, adopt resolutions and call for  
2 election on similar propositions of merger at any time not less than one year from the date of  
3 the last election thereon.

4 "(5) If the majority of the registered voters who shall vote at said election of both the  
5 sanitary district and the contiguous city or town vote in favor of said merger, and the merger  
6 becomes effective the following July 1, the city or town shall then assume all of the obligations  
7 of the sanitary district, and the sanitary district shall convey all property rights to the city or  
8 town, and a vote for such merger shall include a vote for the city or town to assume the  
9 obligations of the district. The sanitary district shall cease to exist as a political subdivision  
10 from and after the effective date of the merger. The residents of the sanitary district shall from  
11 and after July 1 following the said election enjoy all of the benefits of the municipality and  
12 shall after that date assume their share of the obligations of the city as merged with the sanitary  
13 district. All taxes levied and collected by the city or town from and after the effective date of  
14 the merger shall be levied and collected uniformly in all of the territory embraced in the  
15 enlarged municipality.

16 "(6) If merger is approved, the governing board of the city or town shall determine the  
17 proportion of the district's indebtedness, if any, which was incurred for the construction of  
18 water systems and the proportion which was incurred for construction of sewage disposal  
19 systems. Upon making such determination, the governing board shall send a certified copy to  
20 the Local Government Commission in order that said Commission and the governing body of  
21 the merged municipality can determine the net debt of the merged municipality as required by  
22 G.S. 160-383.

23 "(7) The board of commissioners of the county in which said sanitary district and town  
24 or city is located may in their discretion conduct said election through the city board of  
25 elections or they may appoint such special election officials as in their discretion they may  
26 deem advisable, and may create such voting precincts as to them seems best to suit the  
27 convenience of the voters. The board of commissioners of the county in their discretion and on  
28 the recommendation of the board for the sanitary district and the contiguous city or town, either  
29 call for special registration in either or both the sanitary district and said city or town, or the  
30 board of commissioners may declare eligible to vote all those registered and eligible to vote in  
31 the city election for the contiguous city or town and those registered and eligible to vote in the  
32 general election within said sanitary district. The notice of the election shall be given by  
33 publication once a week for three successive weeks, the first to be at least thirty days before the  
34 election.

35 "(8) Opportunity shall be provided for new registration of qualified voters within the  
36 sanitary district and contiguous city or town and notice of such new registration shall be  
37 deemed to be sufficiently given if given at least thirty days before the close of the registration  
38 books by publication once in some newspaper published or circulated in said sanitary district  
39 and contiguous city or town. The notice of registration may be considered one of the three  
40 notices required of the election. Time of such registration shall as near as may be conform with  
41 that of the registration of voters in the municipal elections as provided in G.S. 160-37. The  
42 published notice of registration shall state the days on which the books shall be open for  
43 registration of voters and place or places at which they will open on Saturdays. The books of  
44 such new registration shall close on the second Saturday before the election. The Saturday  
45 before the election shall be challenge day, and except as otherwise provided in this Article,  
46 such election shall be held in accordance with the law governing general elections."

47 **Sec. 2.** All laws and clauses of laws in conflict with this Act are hereby repealed.

48 **Sec. 3.** This Act shall be in full force and effect from and after its ratification.

49 In the General Assembly read three times and ratified, this the 16th day of June,

50 1961.