

NORTH CAROLINA GENERAL ASSEMBLY
1969 SESSION

CHAPTER 811
HOUSE BILL 919

1 AN ACT TO AUTHORIZE THE ESTABLISHMENT OF RURAL RECREATION
2 DISTRICTS.

3
4 The General Assembly of North Carolina do enact:

5
6 **Section 1.** There is hereby inserted in Chapter 160 of the General Statutes a new
7 article to read as follows:

8 "Article 12B

9 Rural Recreation Districts

10 Subsection 160-166.3. Election to be held upon petition of voters. Upon the petition of
11 fifteen percent (15%) of the resident freeholders living in an area lying outside the corporate
12 limits of any city or town, which area is described in the petition and designated as "... (Here
13 insert name).... Recreation District", the board of county commissioners of the county shall call
14 an election in said district for the purpose of submitting to the qualified voters therein the
15 question of levying and collecting a special tax on all taxable property in said district, of not
16 exceeding fifteen cents (15¢) of the one hundred dollars (\$100.00) valuation of property, for the
17 purpose of providing recreational programs and facilities in said district.

18 Upon the petition of fifteen percent (15%) of the resident freeholders living in an area
19 which has previously been established as a recreation district and in which there has been
20 authorized by a vote of the people a special tax not exceeding ten cents (10¢) on the one
21 hundred dollars (\$100.00) valuation of property within the area, the board of county
22 commissioners shall call an election in said area for the purpose of submitting to the qualified
23 voters therein the question of increasing the allowable special tax for recreational programs and
24 facilities within said district from ten cents (10¢) on the one hundred dollars (\$100.00)
25 valuation of fifteen cents (15¢) on the one hundred dollars (\$100.00) valuation on all taxable
26 property within such district. Elections on the question of increasing the allowable tax rate for
27 recreational programs and facilities shall not be held within the same district at intervals less
28 than two years.

29 Subsection 160-166.4. Duties of county board of commissioners as to conduct of election;
30 cost of holding. For the election so called as provided in Subsection 160-166.3, the board of
31 commissioners of the county shall provide one or more polling places in said district, shall
32 provide for a registrar or registrars and judges of election at said voting places, shall provide for
33 the registration of all qualified voters living in said district, shall cause to be prepared the
34 necessary ballots for voting at said election, shall fix the time and places for holding the same,
35 and shall conduct said election in every other respect according to the provisions of the laws
36 governing general elections so far as they may be applicable. The cost of holding the election
37 shall be paid by the county.

38 Subsection 160-166.5. Ballots. At said election those voters who are in favor of levying a
39 tax in said district for recreational programs and facilities therein shall vote a ballot on which
40 shall be written or printed, "In favor of tax for recreational programs and facilities in.. (Here
41 insert name)... Recreation District". Those who are against levying said tax shall vote a ballot on
42 which shall be written or printed the words, "Against tax for recreational programs and
43 facilities for. (Here insert name)... District".

1 Whenever an election is called pursuant to this Article on the question of increasing the tax
2 limit for recreational programs and facilities in any area, those voters in favor of such increase
3 therein shall vote a ballot on which shall be printed, "In favor of tax increase for recreational
4 programs and facilities in Recreation District". Those who are against increasing the tax limit
5 for recreational programs and facilities therein shall vote a ballot on which shall be printed,
6 "Against tax increase for recreational programs and facilities in Recreation District". The
7 failure of the election on the question of an increase in the tax for recreational programs and
8 facilities shall not be deemed to be the abolishment of the special tax for recreational programs
9 and facilities already in effect in said district.

10 Subsection 160-166.6. Tax to be levied and used for recreational programs and facilities. If
11 a majority of the qualified voters voting at said election vote in favor of levying and collecting
12 a tax in said district, then the board of county commissioners is authorized and directed to levy
13 and collect a tax in said district in such amount as it may deem necessary, not exceeding ten
14 cents (10¢) on the one hundred dollars (\$100.00) valuation of property in said district from year
15 to year, and shall keep the same as a separate and special fund, to be used only for furnishing
16 recreational programs and facilities within said district, as provided in Subsection 160-166.7.

17 Provided, that if a majority of the qualified voters voting at such elections vote in favor of
18 levying and collecting a tax in such district, or vote in favor of increasing the tax limit in said
19 district, then the board of county commissioners is authorized and directed to levy and collect a
20 tax in such districts in such amount as it may deem necessary, not exceeding fifteen cents (15¢)
21 on the one hundred dollars (\$100.00) valuation of property in said district from year to year.

22 Subsection 160.166.7. Methods of providing recreational programs and facilities. Upon the
23 levy of such tax, the board of county commissioners shall, to the extent of the taxes collected
24 hereunder, provide recreational programs and facilities for the district —

- 25 (1) By contracting with any incorporated city or town, with any incorporated
26 nonprofit community recreation organization duly chartered under the laws
27 of North Carolina and organized for the purposes set out in Subsection 160-
28 157 and Subsection 160-158, or,
- 29 (2) By furnishing recreational programs and facilities itself if the county
30 maintains organized recreational programs and facilities, or
- 31 (3) By establishing a recreation system within the district, or
- 32 (4) By utilizing any two or more of the above listed methods of furnishing
33 recreational programs and facilities.

34 Subsection 160-166.8. Municipal corporations empowered to make contracts. Municipal
35 corporations are hereby empowered to make contracts to carry out the purposes of this Article.

36 Subsection 160-166.9. Administration of special fund; Recreation District Commission.
37 The special fund provided by the tax herein authorized shall be administered to provide
38 recreational programs and facilities as provided in Subsection 160-166.7 by the board of county
39 commissioners or the joint boards of county commissioners, if the area lies in more than one
40 county, or by a recreation district commission of three qualified voters of the area, to be known
41 as..(Here insert name)...Recreation District said board to be appointed by the board of county
42 commissioners or the joint boards of county commissioners, if the area lies in more than one
43 county, for a term of two years, said commission to serve at the discretion of and under the
44 supervision of the board of county commissioners or boards of county commissioners if the
45 area lies in more than one county.

46 Subsection 160-166.10. Authority, rights, privileges and immunities of counties, etc.,
47 performing services under Article. Any county, municipal corporation or recreation district
48 performing any of the services authorized by this Article shall be subject to the same authority
49 and immunities as a county would enjoy in the operation of a county recreation system within
50 the county, or a municipal corporation would enjoy in the operation of a recreation system
51 within its corporate limits.

Members of any county, municipal or recreation district shall have all of the immunities, privileges and rights, including coverage by workmen's compensation insurance, when performing any of the functions authorized by this Article, as members of a county recreation system would have in performing their duties and for a county, or as members of a municipal recreation system would have in performing their duties in for and within the corporate limits of the municipal corporation.

Subsection 160-166.11. Procedure when area lies in more than one county. In the event that an area petitioning for a tax election under this Article lies in more than one county said petition shall be submitted to the board of county commissioners of all the counties in which said area lies and election shall be called which shall be conducted by the joint boards of county commissioners and the cost of same shall be shared equally by all counties.

Upon passage, the tax herein provided shall be levied and collected by each county on all of the taxable property in its portion of the recreation district; the tax collected shall be paid into a special fund and used for the purpose of providing recreation programs and facilities for the district.

Subsection 160-166.12. Means of abolishing tax district. Upon a petition of fifteen percent (15%) of the resident freeholders of any special recreation district or area, at intervals of not less than two years, the board of county commissioners or the joint boards of county commissioners, if the area lies in more than one county, shall call an election to abolish the special tax for recreation programs and facilities for the area, the election to be called and conducted as provided in Subsection 160-166.4; if a majority of the registered voters vote to abolish said tax, the commissioners shall cease levy and collecting same and any unused funds of the district shall be turned over to and used by the county commissioners of the county collecting same as a part of its general fund, and any property or properties of the district or the proceeds thereof shall be distributed, used or disposed of equitably by the board of county commissioners or the boards of county commissioners.

Subsection 160-166.13. Changes in area of district. After a recreation district has been established under the provisions of this Article and recreation commissioners have been appointed, changes in the area may be made as follows:

(1) The area of any recreation district may be increased by including within the boundaries of the district any adjoining territory upon the application of the owner, or a two-thirds majority of the owners, of the territory to be included, the unanimous recommendation in writing of the recreation commissioners of said district, and the approval of the board or boards of county commissioners in the county or counties in which said recreation district is located. However, before said recreation district change is approved by the county commissioners, notice shall be given once a week for two successive calendar weeks in a newspaper having general circulation in said district, and notice shall be posted at the courthouse door in each county affected, and at three public places in the area to be included, said notices inviting interested citizens to appear at a designated meeting of said county commissioners, said notice to be published the first time and posted not less than fifteen days prior to the date fixed for hearing before the county commissioners.

(2) The area of any recreation district may be decreased by removing therefrom any territory, upon the application of the owner or owners of the territory to be removed, the unanimous recommendation in writing of the recreation commissioners of said district, and the approval of the board or boards of county commissioners of the county or counties in which the district is located.

(3) In the case of adjoining recreation districts having in effect the same rate of tax for recreational programs and facilities, the board of county commissioners, upon petition of the recreation commissioners shall have the authority to relocate the boundary lines between such recreation districts in accordance with the petition or in such other manner as to the board may seem proper. Upon receipt of such petition, the board of county commissioners shall set a date and time for a public hearing on the petition, and notice of such hearing shall be published in some newspaper having general circulation within the districts to be affected once a week for two weeks preceding the time of the hearing. Such hearings may be adjourned from time to time and no further notice is required of such adjourned hearings. In the event any boundaries of recreation districts are altered or relocated under this Section, the same shall take effect at the beginning of the next succeeding fiscal year after such action is taken.

(4) In the case of adjoining recreation districts having in effect a different rate of tax for recreational programs and facilities, the board of county commissioners, upon petition of two thirds of the owners of the territory involved and after receiving a favorable recommendation of the recreation commissioners, may transfer such territory from one district to another and therefore relocate the boundary lines between such recreation districts in accordance with the petition or in such other manner as the board may deem proper. Upon receipt of such petition, the board of county commissioners shall set a date and time for a public hearing on the petition, and notice of such hearing shall be published in some newspaper having general circulation within the districts to be affected once a week for two weeks preceding the time of the hearing. Such hearings may be adjourned from time to time and no further notice is required of such adjourned hearings. In the event any boundaries of recreation districts are relocated under this Section, the same shall take effect at the beginning of the next succeeding fiscal year after such action is taken.

Subsection 160-166.14. Privileges and taxes where territory added to district. In case any territory is added to any recreation district, from and after such addition, the taxpayers and other residents of said added territory shall have the same rights and privileges and the taxpayers shall pay taxes at the same rates as if said territory had originally been included in the said recreation district.

Subsection 160-166.15. Privileges and taxes where territory removed from district. In case any territory is removed from any recreation district from and after said removal, the taxpayers and other residents of said removed territory shall cease to be entitled to the rights and privileges vested in them by their inclusion in said recreation district, and the taxpayers shall no longer be required to pay taxes upon their property within said district.

Subsection 160-166.16. Contract with city or town to which all or part of district annexed concerning property of district and furnishing of recreational programs and facilities. Whenever all or any part of the area included within the territorial limits of a recreation district is annexed to or becomes a part of a city or town, the governing body of such district may contract with the governing body of such city or town to give, grant or convey to such city or town, with or without consideration, in such manner and on such terms and conditions as the governing body of such district shall deem to be in the best interests of the inhabitants of the district, all or any part of its property, including, but without limitation, any recreation equipment or facilities, and may provide in such contract for the furnishing of recreational programs and facilities by the city or town or by the district.

Subsection 160-166.17. When district or portion thereof annexed by municipality furnishing recreational programs and facilities. When the whole or any portion of a recreation district has been annexed by a municipality furnishing recreational programs and facilities to its citizens, then such recreation district or the portion thereof so annexed shall immediately thereupon cease to be a recreation district or a portion of a recreation district; and such district or portion thereof so annexed shall no longer be subject to Subsection 160-166.6 authorizing the board of county commissioners to levy and collect a tax in such district for the purpose of furnishing recreational programs and facilities therein.

Nothing herein shall be deemed to prevent the board of county commissioners from levying and collecting taxes for recreational programs and facilities in the remaining portion of a recreation district not annexed by a municipality, as aforesaid."

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

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 12th day of June, 1969.