

NORTH CAROLINA GENERAL ASSEMBLY
1977 SESSION

CHAPTER 62
HOUSE BILL 99

AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE CITY OF
BOILING SPRING LAKES IN BRUNSWICK COUNTY AND TO REPEAL
PRIOR CHARTER ACTS, SUBJECT TO AN ELECTION.

The General Assembly of North Carolina enacts:

Section 1. (a). The Board of Elections of the City of Boiling Spring Lakes is hereby authorized and directed to call and conduct a special election on May 10, 1977 for the purpose of submitting to the qualified voters of the City of Boiling Spring Lakes the question of whether or not to adopt the revised and consolidated City Charter as set out in this act as the official Charter of the City. In conducting the election required to be held by this act, the Board of Elections of the City of Boiling Spring Lakes shall follow the procedures contained in this act and the procedures contained in Chapter 163 of the General Statutes of North Carolina regarding municipal elections, where the same are not in conflict with this act.

(b). Not later than 30 days prior to the date on which the registration books are required to be closed, the Board of Elections of the City of Boiling Spring Lakes shall cause to be published one or more times in a newspaper having general circulation in the City of Boiling Spring Lakes a notice stating the time, the polling place, and the purpose of this special election; the names of the registrar and judges of election; and the dates, hours, and place or places of registration. The Board of Elections may, in its discretion, also cause such notice to be posted in such public place or places as the Board may choose.

(c). In the special election, those voters who favor adopting the revised and consolidated Charter of the City of Boiling Spring Lakes as provided in this act shall vote a ballot upon which shall be printed the words: "FOR Adopting The New City Charter", and those voters who are opposed to adopting the revised and consolidated City Charter as provided in this act shall vote a ballot upon which shall be printed the words: "AGAINST Adopting The New City Charter".

Sec. 2. If the majority of the votes cast in such special election shall be cast "FOR Adopting The New City Charter", then the "Charter of the City of Boiling Spring Lakes" as set forth in this act, and all other provisions of this act, shall be in full force and effect from and after the date upon which a certificate of election shall have been issued by the Chairman of the City of Boiling Spring Lakes Board of Elections in accordance with G.S. 163-301.

Sec. 3. If the majority of the votes cast in such special election shall be cast "AGAINST Adopting The New City Charter", then Sections 4 through 11 of this act shall have no force and effect, and the existing Charter of the City shall remain in full force and effect.

Sec. 4. The Charter of the City of Boiling Spring Lakes is hereby revised and consolidated to read as follows:

"THE CHARTER OF THE CITY OF BOILING SPRING LAKES.

ARTICLE I. Incorporation and Corporate Powers.

Sec. 1. Incorporation and General Powers.—The City of Boiling Spring Lakes in the County of Brunswick shall continue to be a body corporate and politic under the name of the 'City of Boiling Spring Lakes', and under that name the City shall have and may exercise all the powers, duties, rights, privileges and immunities conferred and imposed upon municipal corporations by the Laws of North Carolina.

ARTICLE II. Corporate Boundaries.

Sec. 2.1. Existing Corporate Boundaries.—The corporate boundaries of the City of Boiling Spring Lakes, until changed in accordance with law, are as follows:

All that certain piece, parcel, or tract of land lying and being in Town Creek Township, 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 87 and contains within its perimeter 14,000 acres, 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 the 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.

ARTICLE III. Governing Body.

Sec. 3.1. Composition of the Governing Body.—The governing body of the City of Boiling Spring Lakes shall consist of a Mayor, and a Board of Commissioners composed of four members.

Sec. 3.2. Mayor and Mayor Pro Tempore.—The Mayor shall be the chairman of the Board of Commissioners. He shall have the right to vote on all matters before the Board of Commissioners, but shall have no right to vote to break a tie vote in which he participated. The Mayor shall be the official representative and spokesman for the City, and shall have all the powers and responsibilities of mayors as provided in the General Statutes. The Board of Commissioners shall choose one of its number to act as Mayor Pro Tempore, and he shall perform the duties of the Mayor in the Mayor's absence or disability. The Mayor Pro Tempore as such shall have no fixed term of office, but shall serve in such capacity at the pleasure of the remaining members of the Board.

Sec. 3.3. Terms of the Mayor and Commissioners.—(a) Except as provided below, the Mayor shall serve for a term of two years, and the Commissioners shall serve for terms of four years each, provided further, that the Mayor and Commissioners shall serve until their successors are elected and qualified, pursuant to the General Statutes of North Carolina.

(b) At the regular municipal elections in November, 1977, and biennially thereafter, the Mayor shall be elected by the qualified voters of the City for a term of two years.

(c) At the regular municipal elections in November, 1977, one Commissioner shall be elected for a term of four years, to fill the seat of one of the Commissioners whose term is then expiring. The second Commissioner whose term is then expiring shall step down from office at the organizational meeting of the governing body in December, 1977, and his seat shall not be filled. At the regular municipal elections in November, 1979, three Commissioners shall be elected. The two candidates receiving the highest number of votes, respectively, at this election shall be elected to terms of four years each, and the candidate receiving the third highest number of votes shall be elected for a term of two years. Biennially thereafter, two Commissioners shall be elected for terms of four years each. All Commissioners shall be elected by the qualified voters of the City.

Sec. 3.4. Qualifications, Vacancies, Quorum.—(a) No person shall be eligible to be a candidate for, or to be elected as, Mayor or Commissioner or to serve in such capacity, unless he possesses the qualifications set forth in Article VI of the Constitution of the State of North Carolina.

(b) In the event a vacancy occurs in the office of Mayor or Commissioner, the Mayor and Board of Commissioners shall by majority vote appoint some qualified person to fill the vacancy for the remainder of the unexpired term.

(c) Official action of the governing body shall be by majority vote, provided that a quorum, consisting of a majority of the actual membership of the Governing Body, excluding vacant seats, is present.

ARTICLE IV. Elections.

Sec. 4.1. Regular Municipal Elections.—The regular municipal elections of the City of Boiling Spring Lakes shall be conducted in accordance with the nonpartisan plurality method of election, as set forth in G.S. 163-279(a)(1) and Articles 23 and 24 of Chapter 163 of the General Statutes of North Carolina.

ARTICLE V. Administration.

Sec. 5.1. Administrative Officers and Employees.—Consistent with applicable State laws, the governing body may establish positions, provide for the appointment of administrative officers and employees, and generally organize the City government to promote the orderly and efficient administration of the affairs of the City. The Mayor, with the approval of the Board of Commissioners, shall make appointments to fill vacancies in administrative officer and employee positions. All employees of the City of Boiling Spring Lakes shall serve at the pleasure of the Governing Body."

Sec. 5. The purpose of this act is to revise and consolidate the Charter of the City of Boiling Spring Lakes. It is intended to continue without interruption those provisions of prior acts which are consolidated into this act so that all rights and liabilities that have accrued are preserved and may be enforced.

Sec. 6. The following act, having served the purpose for which it was enacted, and having been consolidated in part into this act is hereby repealed:

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Sec. 7. No provision of this act is intended, nor shall be construed to affect in any way any rights or interests whether public or private:

(a) now vested or accrued, in whole or in part, the validity of which might be sustained or preserved by reference to any provisions of law repealed by this act;

(b) derived from, or which might be sustained or preserved in reliance upon, action heretofore taken (including the adoption of ordinances or resolutions) pursuant to or within the scope of any provision of law repealed by this act.

Sec. 8. No law heretofore repealed expressly or by implication, and no law granting authority which has been exhausted, shall be revived by:

(a) the repeal herein of any act repealing such law or

(b) any provision of this act that disclaims an intention to repeal or affect enumerated or designated laws.

Sec. 9. (a) All existing ordinances and resolutions of the City of Boiling Spring Lakes, and all existing rules or regulations of departments or agencies of the City of Boiling Spring Lakes, not inconsistent with the provisions of this act, shall continue in full force and effect until repealed, modified or amended.

(b) No action or proceeding of any nature (whether civil or criminal, judicial or administrative, or otherwise) pending at the effective date of this act by or against the City of Boiling Spring Lakes or any of its departments or agencies shall be abated or otherwise affected by the adoption of this act.

Sec. 10. If any of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

Sec. 11. All laws and portions of laws in conflict with the provisions of this act are hereby repealed.

Sec. 12. This act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 7th day of March, 1977.