

NORTH CAROLINA GENERAL ASSEMBLY
1981 SESSION

CHAPTER 206
HOUSE BILL 429

AN ACT TO INCORPORATE THE TOWN OF KITTY HAWK IN DARE COUNTY.

The General Assembly of North Carolina enacts:

Section 1. The Town of Kitty Hawk, as described in Section 2 of this act, is incorporated.

Sec. 2. The Charter of the Town of Kitty Hawk is as follows:

"CHAPTER I.

"Incorporation and Corporate Powers.

"Sec. 1-1. Incorporation and Corporate Powers.—The inhabitants of the Town of Kitty Hawk are a body corporate and politic under the name of the 'Town of Kitty Hawk'. Under that name they have all the powers, duties, rights, privileges, and immunities conferred and imposed on cities by the general laws of North Carolina.

"CHAPTER II.

"Corporate Boundaries.

"Article 1. Town Boundaries.

"Sec. 2-1. Town boundaries.—Until modified in accordance with law, the boundaries of the Town of Kitty Hawk are as follows:

'Bounded on the south by the northernmost corporate limits of the Town of Kill Devil Hills, on the east by the Atlantic Ocean, on the north by the southernmost corporate limits of the town of Southern Shores and the north line of U.S. Highway 158, and on the west by Currituck Sound and Kitty Hawk Bay, including the areas known as Kitty Hawk Beach, Kitty Hawk Village, Seascape and Kitty Hawk Woods and being all the land area lying between the incorporated Towns of Kill Devil Hills and Southern Shores, except Martin's Point and the property of the Outer Banks Recreation Association, sometimes known as Duck Woods Golf Course.'

"CHAPTER III.

"Governing Body.

"Sec. 3-1. Structure of governing body; number of members.—The governing body of the Town of Kitty Hawk is the Town Council, which has five members.

"Sec. 3-2. Manner of election of Town Council.—The qualified voters of the entire Town of Kitty Hawk shall elect the members of the Town Council.

"Sec. 3-3. Term of office of the members of Town Council.—Members of the Town Council are elected to four-year terms. In 1981 all five members of the Town Council shall be elected, three for four years and two for two years, the three candidates receiving the highest number of votes to serve for four years and the two candidates who receive the next largest number of votes to serve for two years. In 1983 and

quadrennially thereafter, two members shall be elected. In 1985 and quadrennially thereafter, three members shall be elected.

"Sec. 3-4. Election of Mayor; term of office.—At the organizational meeting of the Town Council following each election, the Town Council shall elect one of its members to serve as Mayor. The Mayor shall serve as such at the pleasure of the Town Council.

"Sec. 3-5. Appointment of initial Town Council and Mayor.—Paul W. Parker, David P. Pruitt, Jr., Samuel O. Smith, Carlton P. Smith, and Sidney C. Toler are hereby appointed members of the Town Council to serve until their successors are elected in the 1981 election. Paul W. Parker is appointed Mayor of the Town of Kitty Hawk to serve until his successor is elected at the organizational meeting of the Town Council following the 1981 election of Town Council members.

"CHAPTER IV.

"Elections.

"Sec. 4-1. Conduct of Town elections.—Town officers shall be elected on a nonpartisan basis and the results determined by a plurality of the votes cast, as provided by G.S. 163-292.

"CHAPTER V.

"Administration.

"Sec. 5-1. Town to operate under Mayor-Council Plan.—The Town of Kitty Hawk operates under the mayor-council plan as provided in Part 3 of Article 7 of Chapter 160A of the General Statutes.

"CHAPTER VI.

"Planning and Regulatory Powers.

"Sec. 6-1. Extraterritorial jurisdiction.—The Town of Kitty Hawk may exercise those powers granted by G.S. 160A, Article 19, within a defined area extending not more than one mile beyond its limits.

"CHAPTER VII.

"Modifications of the Special Assessments Laws.

"Sec. 7-1. Petition unnecessary.—In addition to the authority as is now or may hereafter be granted to the Town for making street or sidewalk improvements, the Town Council is hereby authorized to order such improvements and to assess the total cost thereof against abutting properties without the necessity of a petition of property owners.

"Sec. 7-2. Sidewalk repairs.—The Town Council is further authorized to order or to make sidewalk repairs and driveway repairs across sidewalks according to standards and specifications of the Town, and to assess the total cost thereof against abutting properties without the necessity of a petition of property owners.

"Sec. 7-3. Sidewalk on one side of street.—If a sidewalk is constructed on only one side of the street in a residential zone, the cost thereof may be assessed against the property abutting on both sides of the street, unless there already exists a sidewalk on the other side of the street, the total cost of which was assessed against the abutting property.

"Sec. 7-4. Notice to property owners.—Before the Town Council shall order improvements to be made pursuant to Sections 7-1 or 7-2 of this Chapter it shall hold a

public hearing thereon, and shall give the owners of the property to be assessed written notice of such public hearing and the proposed action.

"Sec. 7-5. Assessment procedure and effect.—In ordering street or sidewalk improvements or sidewalk repairs and assessing the cost thereof, the Town Council shall follow the procedures provided by the General Statutes for street and sidewalk improvements, except those provisions relating to the petition of property owners and the sufficiency thereof. The effect of levying assessments pursuant to this act shall for all purposes be the same as if they were levied under authority of the General Statutes.

"Sec. 7-6. Duty of maintenance for driveways and sidewalks.—It is the duty of every property owner to maintain the sidewalks and driveways abutting his property in good repair and safe condition.

"Sec. 7-7. Payment of assessments.—Any special assessment of the Town for any purpose amounting to less than one hundred dollars (\$100.00) shall be paid in cash within 90 days of confirmation rather than in annual installments, and shall bear interest as taxes.

"Sec. 7-8. Assessment where street is Town limit line.—In those instances where the Town limit line runs along a street or road the Town Council may order the improvements and assess the cost thereof against property abutting on both sides of the street as if all the abutting property were within the corporate limits, regardless of whether the improvement is ordered pursuant to this section or other general laws.

"Sec. 7-9. Supplementary authorization.—The procedure herein outlined shall be supplementary to all other procedure authorized by law relating to improvements or special assessments.

"CHAPTER VIII.

"Taxation for Fiscal Year 1980-81.

"Sec. 8-1. Budget for fiscal year 1980-81.—The newly incorporated Town of Kitty Hawk in Dare County is authorized to adopt a budget and levy property taxes for the portion of the 1980-81 fiscal year during which it is incorporated. In adopting the budget and levying taxes late in the fiscal year 1980-81, the Town's governing body need not follow the schedule of action set forth in The Local Government Budget Fiscal and Control Act, but shall observe the sequence of actions in the spirit of the act insofar as is practical.

"Sec. 8-2. Property taxes for fiscal year 1980-81.—Property taxes as levied by the Town of Kitty Hawk as authorized in Section 8-1 of this Chapter shall be due and collected as provided in G.S. 160A-58.10 in the case of taxes levied for part of the year following annexation."

Sec. 3. Severability clause. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be invalid such decision shall not affect the validity of the remaining portions thereof.

Sec. 4. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 13th day of April, 1981.