

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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HOUSE BILL 478  
Committee Substitute Favorable 6/14/95

Short Title: Castle Hayne Incorporation.

(Local)

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Sponsors:

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Referred to:

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March 15, 1995

1 A BILL TO BE ENTITLED  
2 AN ACT TO INCORPORATE THE TOWN OF CASTLE HAYNE, SUBJECT TO A  
3 REFERENDUM.

4 The General Assembly of North Carolina enacts:

5 Section 1. A Charter for the Town of Castle Hayne is enacted to read:

6 "CHARTER OF THE TOWN OF CASTLE HAYNE.

7 "CHAPTER I.

8 "INCORPORATION AND CORPORATE POWERS.

9 "Sec. 1.1. **Incorporation and Corporate Powers.** The inhabitants of the Town of  
10 Castle Hayne are a body corporate and politic under the name 'Town of Castle Hayne'.  
11 Under that name they have all the powers, duties, rights, privileges, and immunities  
12 conferred and imposed upon cities by the general law of North Carolina.

13 "CHAPTER II.

14 "CORPORATE BOUNDARIES.

15 "Sec. 2.1. **Town Boundaries.** Until modified in accordance with law, the boundaries  
16 of the Town of Castle Hayne are as follows:

17 Lying and being in New Hanover County and beginning at the center of the Northeast  
18 Cape Fear River in the northeastern most point where Island Creek intersects the river  
19 and is the boundary of Pender County to the East, following said Island Creek southward

1 under Holly Shelter Road, continuing South approximately 1 mile where Island Creek  
2 departs from the New Hanover/Pender line running West and South to where Island  
3 Creek meets Sidbury Road. From the South right away boundary of Sidbury Road and  
4 running at a West by West-South Westward direction along said Sidbury Road to where  
5 it intersects with Blue Clay Road, thence South by Southwest on Blue Clay Road South  
6 right-a-way to where Blue Clay Road intersects with Seaboard Railroad Track, from that  
7 point an abrupt change to a Northern direction along the East boundary of said Seaboard  
8 Coastline Railroad right-a-way to where it meets Hermitage Road, turning West along the  
9 South side of Hermitage Road to US 117 and State Road 133 turning South along Eastern  
10 side of said US 117 and State 133 to Centennial Drive at the General Electric Company  
11 South boundary, turning West and running along the South boundary of General Electric  
12 Company property to the N.E. Cape Fear River continuing North by Northwest to the  
13 Northwest point of New Hanover County and Brunswick County where they meet at  
14 center of N.E. Cape Fear Channel. Except for the change of relocating line to South  
15 boundary of General Electric property all of said boundaries are those relating to the  
16 Cape Fear 2 voting district and stated as such on the maps of New Hanover County.

### 17 "CHAPTER III.

#### 18 "GOVERNING BODY.

19 "Sec. 3.1. **Structure of Governing Body; Number of Members.** The governing  
20 body of the Town of Castle Hayne is the Town Council and the Mayor. The Town  
21 Council has four members.

22 "Sec. 3.2. **Manner of Electing Board.** The qualified voters of the entire Town elect  
23 the members of the Council.

24 "Sec. 3.3. **Term of Office of Council Members.** In 1996, four members of the  
25 Council shall be elected. The two persons receiving the highest numbers of votes are  
26 elected for three-year terms, and the two persons receiving the next highest numbers of  
27 votes shall be elected for one-year terms. In 1997 and biennially thereafter, two members  
28 of the Council shall be elected for four-year terms.

29 "Sec. 3.4. **Selection of Mayor; Term of Office.** The qualified votes of the entire  
30 Town elect the Mayor. A Mayor shall be elected in 1996 for a three-year term and in  
31 1999 and biennially thereafter for a two-year term. The Mayor has the same voting rights  
32 and privileges and is subject to the same voting limitations and requirements as are  
33 Council members under the general law. In determining a quorum, a majority vote of the  
34 Council or in being excused from voting, the Mayor is treated as a member of the  
35 Council.

### 36 "CHAPTER IV.

#### 37 "ELECTIONS.

38 "Sec. 4.1. **Conduct of Town Elections.** The Town Council shall be elected on a  
39 nonpartisan basis and the results determined by the plurality method as provided by G.S.  
40 163-292.

### 41 "CHAPTER V.

#### 42 "ADMINISTRATION.

1 "Sec. 5.1. **Mayor-Council Plan.** The Town of Castle Hayne operates under the  
2 Mayor-Council plan as provided by Part 3 of Article 7 of Chapter 160A of the General  
3 Statutes."

4 Sec. 2. Until members of the Town Council are elected in 1996 in accordance  
5 with the Town Charter and the law of North Carolina, the Castle Hayne Charter  
6 Commission shall serve as the interim governing body. The Chairman of the Castle  
7 Hayne Charter Commission shall be interim Mayor and other members of the  
8 Commission serve as interim Council members from the time that the results of the  
9 election are certified until noon on Wednesday, December 6, 1996, when their successors  
10 shall take office as provided by this Charter. Vacancies in the interim council shall be  
11 filled by appointment made by the remaining members. A vacancy in the office of  
12 interim Mayor is filled by appointment made by the interim governing board.

13 Sec. 3. From and after January 1, 1996, the citizens and property in the Town  
14 of Castle Hayne shall be subject to municipal taxes levied for the year beginning January  
15 1, 1996, and for that purpose the Town shall obtain from New Hanover County a record  
16 of property in the area herein incorporated which was listed for taxes as of January 1,  
17 1996, and the businesses in the Town shall be liable for privilege license tax from the  
18 effective date of the privilege license tax ordinance. The Town may adopt a budget  
19 ordinance for fiscal year 1995-96 without following the timetable in the Local  
20 Government Budget and Fiscal Control Act.

21 Sec. 4. (a) The New Hanover County Board of Elections shall conduct an  
22 election on a date set by it, to be not less than 60 nor more than 150 days after the date of  
23 ratification of this act, for the purpose of submission to the qualified voters of the area  
24 described in Section 2.1 of the Charter of Castle Hayne, the question of whether or not  
25 such area shall be incorporated as Castle Hayne. Registration for the election shall be  
26 conducted in accordance with G.S. 163-288.

27 (b) In the election, the question on the ballot shall be:

28 **"[ ] FOR [ ] AGAINST**  
29 **INCORPORATION OF CASTLE HAYNE".**

30 Sec. 5. In such election, if a majority of the votes cast are not cast "FOR  
31 Incorporation of Castle Hayne", then Sections 1 through 3 of this act shall have no force  
32 and effect.

33 Sec. 6. In such election, if a majority of the votes cast shall be cast "FOR  
34 Incorporation of Castle Hayne", then Sections 1 through 3 of this act shall become  
35 effective on the date that the New Hanover County Board of Elections determines the  
36 result of the election.

37 Sec. 7. This act is effective upon ratification.