

GENERAL ASSEMBLY OF NORTH CAROLINA  
1985 SESSION

CHAPTER 570  
SENATE BILL 259

AN ACT CONCERNING LOCAL MATTERS IN IREDELL COUNTY AND THE CITY OF STATESVILLE, INCLUDING THE DISTRICTING OF THE CITY COUNCIL, COLLECTION OF TAXES, AN OCCUPANCY TAX, STATESVILLE SCHOOL ELECTIONS, AND A CIVIC CENTER AUTHORITY.

The General Assembly of North Carolina enacts:

Part I. Council Districting.

Section 1. Section 3.3 of the Charter of the City of Statesville, being Chapter 289, Session Laws of 1977, as amended under Part 4 of Article 5 of Chapter 160A of the General Statutes is rewritten to read:

"Sec. 3.3. Election of the city council; term of office. (a) In 1985 and quadrennially thereafter, two persons shall be elected by the qualified voters of the city at large.

(b) In 1985 and quadrennially thereafter, one person shall be elected each from Wards 2, 3, and 5 for four-year terms. In 1985, one person shall be elected from Ward 4 for a two-year term. In 1987 and quadrennially thereafter, one person shall be elected each from Wards 1, 4, and 6 for four-year terms. The qualified voters of each ward shall elect a candidate who resides in that ward for the seat apportioned to that ward. The term of the Ward 3 seat elected in 1983 for a four-year term shall expire on the date of the organizational meeting of the city council in 1985 as set under G.S. 160A-68. The terms of the Wards 1 and 6 seats elected in 1983 for four-year terms are not effected by this section and shall continue until the date of the organizational meeting of the city council in 1987 as set under G.S. 160A-68."

Sec. 2. Section 2.2 of the Charter of the City of Statesville, being Chapter 289, Session Laws of 1977 is rewritten to read:

"Sec. 2.2. City council; terms of office. The city council shall be composed of eight members, who shall be elected as provided by Article III of this Charter."

Sec. 3. Section 3.4 of the Charter of the City of Statesville, being Chapter 289, Session Laws of 1977 is rewritten to read:

"Sec. 3.4. Wards and ward boundaries. The city is divided into six wards as follows:

Introduction to New Ward Boundaries - All street boundary descriptions are to be considered from the center line of the street.

EXAMPLE: Where this section states Davie Avenue, it means the center line of Davie Avenue and thus all persons who live on the north side of Davie Avenue would be in Ward 1 and all persons living on the southern side of Davie Avenue/Mocksville Road would vote in Ward 2. The same would also apply for the description following the railroad tracks as a boundary, using the center line of the tracks as a dividing line.

Ward 1 - Boundary Description - Beginning at a point which is the intersection of Radio Road and the northern city limits and following Radio Road in a southerly direction to its intersection with Hartness Road; thence across Hartness Road and following Holland Drive to its intersection with Bost Street; thence following Bost Street in a southeasterly direction to its intersection with Woods Drive; thence following Woods Drive in a southwesterly direction to its intersection with Brevard Street; thence following Brevard Street in a southeasterly direction to its intersection with Tradd Street; thence following Tradd Street in a southerly direction to its intersection with Stockton Street; thence following Stockton Street in a westerly direction to its intersection with North Center Street; thence following North Center Street in a southerly direction to its intersection with East Broad Street; thence following East Broad Street in a northeasterly direction to its intersection with Oakwood Drive; thence following Oakwood Drive north to its intersection with Davie Avenue, US Highway 21 and 64 East; thence following Davie Avenue/Mocksville Road in a northeasterly direction to the northeast boundary of the city limits; thence following the northeastern boundary and the northern boundary of the city limits to the point of beginning at Radio Road.

Ward 2 - Boundary Description - Beginning at a point in the northeastern city limits lying at the intersection of Fourth Creek and Davie Avenue/Mocksville Road, US 64-21 and running in a southwesterly direction along Davie Avenue/Mocksville Road to its intersection with Oakwood Drive; thence in a southerly direction along Oakwood Drive to its intersection with East Broad Street; thence in a westerly direction along East Broad Street to its intersection with Center Street; thence following South Center Street to its intersection with Front Street; running in a easterly direction along East Front Street to its intersection with Salisbury Road; thence in a southeasterly direction along Salisbury Road to its intersection with Garfield Street; thence following Garfield Street in a southwesterly direction to its intersection of Old Salisbury Road; thence following Old Salisbury Road to its intersection with Opal Street; thence following Opal Street to its intersection crossing of the Southern Railroad track; thence following the railroad tracks to its intersection of I-77; thence following the center line of I- 77 to a point extended from the deadend of Dogwood Lane; thence with Dogwood Lane in a easterly direction to its intersection with Eastside Drive; thence across Eastside Drive and following Scott Road to its intersection with Huskins Street; thence following in a southerly direction Huskins Street to its intersection with Eastover Drive; thence following Eastside Drive to its intersection with the eastern city limits line; thence following the eastern city limits line in a northerly direction to its point of beginning at the intersection of Fourth Creek and Mocksville Road.

Ward 6 - Boundary Description - Beginning at a point at the eastern city limits line to its intersection with Eastover Drive and following in a westerly direction on Eastover Drive to its intersection with Huskins Street; thence in a north northwesterly direction following Huskins Street and Scott Road to its intersection with Eastside Drive; thence across Eastside Drive following Dogwood Lane in a westerly direction to a point extended at the deadend of Dogwood Lane to I-77; thence along I- 77 in a southerly direction to its intersection with the Southern Railroad tracks; thence following the

Southern Railroad tracks in a westerly direction to its intersection with Fourth Street; thence in a southerly direction along Fourth Street to its intersection with Asheville Avenue; thence following Asheville Avenue in a southwesterly direction to its intersection with Sixth Street/Boulevard; thence following Boulevard/Sixth Street in a southerly direction to the western portion of Fayetteville Avenue; thence following Fayetteville Avenue in a westerly direction to its intersection with Lynnwood Drive; thence following Lynnwood Drive in a southerly direction to its intersection with the southern city limits line; thence following the southern city limit line in the eastern city limit line to its point of beginning at Eastover Drive.

Ward 3 - Boundary Description - Beginning at a point in the southern city limit line at its intersection with Lynnwood Drive and following Lynnwood Drive in a northerly direction to its intersection with the western portion of Fayetteville Avenue and following Fayetteville Avenue in an easterly direction to its intersection with Sixth Street (Boulevard); thence following the Boulevard/Sixth Street in a northerly direction to its intersection with Asheville Avenue; thence following Asheville Avenue in a northeasterly direction to its intersection with Fourth Street; thence following Fourth Street in a northerly direction to its intersection and crossing of the Southern Railroad tracks; thence following the railroad tracks in a easterly direction to its intersection and crossing of Opal Street; thence following Opal Street to its intersection with Old Salisbury Road; thence following Old Salisbury Road in a northwesterly direction to its intersection with Garfield Street; thence following Garfield Street in a northeasterly direction to its intersection with Salisbury Road (US 70); thence following Salisbury Road in a northwesterly direction to its intersection with East Front Street; thence following East Front Street in a westerly direction to its intersection with South Center Street; thence following South center Street to its intersection with West Sharpe Street; thence following West Sharpe Street in a westerly direction to its intersection with South Mulberry Street; thence following South Mulberry Street in a southerly direction to its intersection with Western Avenue; thence following Western Avenue in a westerly direction to its intersection with the Southern Railroad tracks; thence following the Southern Railroad tracks in a westerly direction to its intersection and crossing at Cochran Street; thence following Cochran Street in a southwesterly direction to the intersection of Cochran Street and Industrial Boulevard; thence following Industrial Boulevard in a northwesterly direction to its intersection with Newton Drive (US Highway 70-64); thence following Newton Drive (US Highway 70-64) in a southwesterly direction to its intersection with Park Drive; thence following Park Drive in a southerly direction to its intersection with Vista Terrace/Bristol Road; thence following Bristol Road in a westerly direction to its intersection with the western city limits line; thence following the western and southern city limit line to the point of beginning at the intersection of the southern city limits and Lynnwood Drive.

Ward 5 - Boundary Description - Beginning at a point in the northern city limit line and its intersection with Northside Drive and following Northside Drive in a northeasterly direction to the intersection of Northside Drive and North Center Street (US Highway 115); thence following North Center Street in a southeasterly direction to its intersection with North Race Street; thence following North Race Street in a

southerly direction to its intersection with Alexander Street; thence following Alexander Street in a westerly direction to its intersection with Patterson Street; thence following Patterson Street in a southeasterly direction to its intersection with Cherry Street; thence following Cherry Street in a easterly direction to its intersection with Race Street; thence following South Race Street in a southerly direction to its intersection with West Sharpe Street; thence following West Sharpe Street to its intersection with Cochran Street; thence following Cochran Street in a southwesterly direction to its intersection with Industrial Boulevard; thence following Industrial Boulevard in a northwesterly direction to its intersection with Newton Drive (US Highway 70-64); thence following Newton Drive (US 70-64) in a southwesterly direction to its intersection with Park Drive; thence in a southerly direction along Park Drive to its intersection of Vista Terrace and Bristol Road; thence in a westerly direction along Bristol Road to its intersection with the western city limit line; thence following the western and northern city limit line to a point of beginning at the city limit line at its intersection with Northside Drive.

Ward 4 - Boundary Description - Beginning at the intersection of Radio Road and the northern city limit line and following Radio Road in a southerly direction to its intersection with Hartness Road and crossing Hartness Road and following Holland Drive to its intersection with Bost Street; thence following Bost Street in a southeasterly direction to its intersection with Woods Drive; thence following Woods Drive in a southwesterly direction to its intersection with Brevard Street; thence following Brevard Street in a southeasterly direction to its intersection of Tradd Street; thence following Tradd Street in a southerly direction to its intersection with Stockton Street; thence following Stockton Street in a westerly direction to its intersection of North Center Street; thence following North Center Street in a southerly direction to its intersection with West Sharpe Street; thence following West Sharpe Street in a westerly direction to its intersection with South Mulberry Street; thence following South Mulberry street in a southerly direction to its intersection with Western Avenue; thence following Western Avenue to its intersection crossing of the Southern Railroad tracks; thence following the Southern Railroad tracks in a northwesterly direction to its intersection and crossing at Cochran Street; thence following Cochran Street in a northeasterly direction to its intersection of West Sharpe Street; thence following West Sharpe Street to its intersection at South Race Street; thence following South Race Street in a northerly direction to its intersection with Cherry Street; thence following Cherry Street to a westerly direction to its intersection with Patterson Street; thence following Patterson Street in a northerly direction to its intersection with Alexander Street; thence following Alexander Street in a easterly direction to its intersection with North Race Street; thence following North Race Street to its intersection of North Center Street (NC Highway 115); thence following North Center Street (NC Highway 115) to its intersection with Northside Drive; thence following Northside Drive to its intersection with the northern city limit line; thence following the new northern city limit line to the point of beginning at the intersection of Radio Road and the northern city limits which is the point of beginning."

Sec. 4. Section 3.12(a) of the Charter of the City of Statesville, being Chapter 289, Session Laws of 1977, is amended by adding immediately after "voters of the City," the words "except that as to removal of a person elected to a Ward seat, equal in number to at least twenty-five percentum (25%) of the registered and qualified voters of the Ward,".

Part II. Iredell Tax Collection.

Sec. 5. Section 4 of Chapter 284, Session Laws of 1983 is rewritten to read:

"Sec. 4. This act applies only to the following counties and the taxing units located in those counties: Gaston and Iredell."

Part III. Civic Center Authority.

Sec. 6. Chapter 329, Session Laws of 1971 is amended by deleting "Statesville-Iredell" whenever those words appear and substituting "Iredell".

Sec. 7. Section 1 of Chapter 329, Session Laws of 1971 is amended:

- (1) by deleting "five members", and substituting "six members";
- (2) by adding after "Statesville" the words ", the Mayor of the Town of Mooresville"; and
- (3) by deleting "three ex officio members" and substituting "four ex officio members".

Part IV. Iredell County Occupancy Tax.

Sec. 8. The Board of Commissioners of Iredell County may, after adopting a resolution that it intends to proceed with a county civic center, by resolution levy a tax on the gross receipts from the rental of accommodations within Iredell County, not to exceed three percent (3%). This tax applies to the rental of accommodations subject to sales tax under G.S. 105-164.4(3).

Sec. 9. The tax collector shall collect and administer the occupancy tax levied by the county pursuant to this Part. The county board of commissioners may adopt rules as needed by the tax collector to implement this Part.

Sec. 10. Every owner of a business subject to the tax levied by this Part shall, on and after the first day of the calendar month set by the governing body in the resolution levying the tax, collect the occupancy tax provided by this Part. This tax shall be collected as part of the charge for the furnishing of any taxable accommodations. The tax shall be stated and charged separately from the sales records, and shall be paid by the purchaser to the owner of the business as trustee for and on account of the city. The occupancy tax levied under this Part shall be added to the sales price and shall be passed on to the purchaser instead of being borne by the owner of the business. The city tax collector shall design, print, and furnish to all appropriate businesses in the city the necessary forms for filing returns and instructions to ensure the full collection of the tax. Every person liable for the tax imposed pursuant to this Part shall, on or before the 15th day of each month, prepare and submit a return on the prescribed form stating the total gross receipts derived during the preceding month from rentals upon which the tax is levied. The tax shall be due and payable to the tax collector on a monthly basis.

Any person who fails or refuses to file the return required by this Part shall pay a penalty of ten dollars (\$10.00) for each day's omission. In addition, any person who refuses to file the return or pay the tax for a period of 30 days after the time required for filing the return or for paying the tax shall pay a penalty of five percent

(5%) of the tax due. An additional penalty of five percent (5%) shall be imposed for each additional month or fraction thereof in which the occupancy tax is not paid.

Any person who willfully attempts in any manner to evade the occupancy tax or who willfully fails to pay the tax or make and file the required return, shall, in addition to all other penalties provided by law, be guilty of a misdemeanor and be punishable by a fine not to exceed one thousand dollars (\$1,000), imprisonment not to exceed six months, or both.

Sec. 11. The tax collector shall remit the proceeds of this tax to the county on a monthly basis. The funds received by the county pursuant to this Part shall be allocated to a special fund and used only for operation and maintenance of a civic center, for payment of interest or retiring principal on debt related to a civic center, or for promotion of travel and tourism.

Sec. 12. The tax collector may collect any unpaid taxes levied under this Part through the use of attachment and garnishment proceedings as provided in G.S. 105-368 for collection of property taxes. The tax collector has the same enforcement powers concerning the tax imposed under this Part as does the Secretary of Revenue in enforcing the State sales tax under G.S. 105-164.30.

Sec. 13. The county board of commissioners may by resolution repeal the levy of the occupancy tax authorized by this Part. No liability for any tax levied under this Part that attached prior to the date on which a levy is repealed is discharged by the repeal, and no right to a refund of a tax that accrued prior to the effective date on which a levy is repealed shall be denied as a result of the repeal.

Sec. 14. The definitions set forth in G.S. 105-164.3 apply to this Part insofar as those definitions are not inconsistent with this Part.

Sec. 15. The Board of Commissioners of Iredell County may, by resolution, abolish the Iredell Civic Center Authority established by Chapter 329, Session Laws of 1971, as amended by Sections 6 and 7 of this act. Such resolution shall provide for the disposition of assets and liabilities of the Authority, and shall state that the county does not intend to proceed with a civic center.

#### Part V. Statesville Occupancy Tax.

Sec. 16. The city council of the City of Statesville may, if the Board of Commissioners of Iredell County has adopted a resolution under Section 15 of this act, by resolution levy a tax on the gross receipts from the rental of accommodations within the corporate limits of the city, not to exceed three percent (3%). This tax applies to the rental of accommodations subject to sales tax under G.S. 105-164.4(3).

Sec. 17. As used in this Part, "collector" means the Iredell County Tax Collector if the City of Statesville and Iredell County have so provided by contract, otherwise it means the city finance officer and/or city clerk, as may be designated by resolution of the city council.

Sec. 18. The collector shall collect and administer the occupancy tax levied by the city pursuant to this Part. The city council may adopt rules as needed by the collector to implement this Part.

Sec. 19. Every owner of a business subject to the tax levied by this Part shall, on and after the first day of the calendar month set by the governing body in the

resolution levying the tax, collect the occupancy tax provided by this Part. This tax shall be collected as part of the charge for the furnishing of any taxable accommodations. The tax shall be stated and charged separately from the sales records, and shall be paid by the purchaser to the owner of the business as trustee for and on account of the city. The occupancy tax levied under this Part shall be added to the sales price and shall be passed on to the purchaser instead of being borne by the owner of the business. The city tax collector shall design, print, and furnish to all appropriate businesses in the city the necessary forms for filing returns and instructions to ensure the full collection of the tax. Every person liable for the tax imposed pursuant to this Part shall, on or before the 15th day of each month, prepare and submit a return on the prescribed form stating the total gross receipts derived during the preceding month from rentals upon which the tax is levied. The tax shall be due and payable to the tax collector on a monthly basis.

Any person who fails or refuses to file the return required by this Part shall pay a penalty of ten dollars (\$10.00) for each day's omission. In addition, any person who refuses to file the return or pay the tax for a period of 30 days after the time required for filing the return or for paying the tax shall pay a penalty of five percent (5%) of the tax due. An additional penalty of five percent (5%) shall be imposed for each additional month or fraction thereof in which the occupancy tax is not paid.

Any person who willfully attempts in any manner to evade the occupancy tax or who willfully fails to pay the tax or make and file the required return, shall, in addition to all other penalties provided by law, be guilty of a misdemeanor and be punishable by a fine not to exceed one thousand dollars (\$1,000), imprisonment not to exceed six months, or both.

Sec. 20. The collector shall remit the proceeds of this tax to the city on a monthly basis. The funds received by the city pursuant to this Part shall be allocated to a special fund and used only for operation and maintenance of a civic center, for payment of interest or retiring principal on debt related to a civic center, or for promotion of travel and tourism.

Sec. 21. The collector may collect any unpaid taxes levied under this Part through the use of attachment and garnishment proceedings as provided in G.S. 105-368 for collection of property taxes. The collector has the same enforcement powers concerning the tax imposed under this Part as does the Secretary of Revenue in enforcing the State sales tax under G.S. 105-164.30.

Sec. 22. The city council may by resolution repeal the levy of the occupancy tax authorized by this Part. No liability for any tax levied under this Part that attached prior to the date on which a levy is repealed is discharged by the repeal, and no right to a refund of a tax that accrued prior to the effective date on which a levy is repealed shall be denied as a result of the repeal.

Sec. 23. The definitions set forth in G.S. 105-164.3 apply to this Part insofar as those definitions are not inconsistent with this Part.

Sec. 24. Before levying a tax under this Part, the City of Statesville shall either establish a civic center authority, or by resolution provide that a civic center shall be administered as a department of the city. If an authority is established, it shall have the number of members set forth in the resolution establishing it, which members shall

be appointed by the Mayor. The city council may grant to the Authority any or all of the powers provided by Section 3 of Chapter 329, Session Laws of 1971.

#### Part VI.

##### Civic Center Condemnation Powers.

Sec. 25. (a) G.S. 40A-3(b) is amended by adding a new subdivision to read:

"(8a) Establishing, enlarging, or improving civic centers."

(b) This section applies only to the City of Statesville and Iredell County.

##### Part VII. Statesville School Elections.

Sec. 25.1. Section 4 of Chapter 386, Public Laws of 1891, as amended by Chapter 170, Public Laws of 1895, is rewritten to read:

"Sec. 4. (a) The Statesville City Board of Education shall consist of six members, elected for terms of six years.

(b) The Statesville City School Administrative Unit is divided into six wards for the purpose of elections. Those wards shall be the same as the wards established for the City of Statesville under Section 3.4. of the Charter of the City of Statesville, being Chapter 289, Session Laws of 1977 as rewritten.

(c) The qualified voters of each ward shall elect a candidate who resides in that ward for the seat apportioned to that ward.

(d) The Statesville City Board of Education, not later than 10 days before the opening of filing for the 1985 election, shall provide which two wards shall be subject to election in 1985 and every six years thereafter, which two wards shall be subject to election in 1987 and every six years thereafter, and which two wards shall be subject to election in 1989 and every six years thereafter, except that the resolution must provide that in 1985 and every six years thereafter, either Ward 3 or Ward 6, and either Ward 4 or Ward 5, shall be subject to election, as determined by the Board of Education in the resolution.

(e) No person may be elected to the Statesville City Board of Education for more than two successive terms. Only elections in 1985 and thereafter shall be counted in determining the restriction imposed by this subsection."

Sec. 25.2. The manner of filling vacancies on the Statesville City Board of Education is not changed by this Part, except that any person chosen to fill a vacancy in any ward seat must be a resident of that ward. The manner of determining the results of elections for the Statesville City Board of Education is not changed by this Part. Any person holding office on the effective date of this section, for terms to expire in 1985, 1987, or 1989, and any person chosen to fill any vacancy in such seats prior to the expiration of such terms, may continue in office if they are residents of the Statesville City School Administrative Unit notwithstanding what ward they reside in.

##### Part VIII. Effective Dates.

Sec. 26. Section 2 of this act shall become effective on the date of the organizational meeting of the Statesville City Council in 1985 as set under G.S. 160A-68. Section 4 of this act shall become effective with respect to persons elected beginning with the 1985 municipal election. The remainder of this act is effective upon ratification.



In the General Assembly read three times and ratified, this the 3rd day of July, 1985.