

GENERAL ASSEMBLY OF NORTH CAROLINA  
1987 SESSION

CHAPTER 338  
SENATE BILL 8

AN ACT TO MERGE THE TOWNS OF HAZELWOOD AND WAYNESVILLE,  
SUBJECT TO A REFERENDUM.

The General Assembly of North Carolina enacts:

Section 1. (a) All property, real and personal and mixed, including accounts receivable, belonging to the Town of Hazelwood shall vest in, belong to, and be the property of the Town of Waynesville. The governing body of the Town of Hazelwood is hereby authorized and directed to take such actions and to execute such documents as will carry into effect the provisions and the intent of this section.

(b) All judgments, liens, rights of liens, and causes of action of any nature in favor of the Town of Hazelwood shall vest in and remain and inure to the benefit of the Town of Waynesville.

(c) All taxes, assessments, water or sewer charges, and any other charges or fees, owing to the Town of Hazelwood shall be owed to and collected by the Town of Waynesville.

(d) All actions, suits, and proceedings pending against, or having been instituted by the Town of Hazelwood shall not be abated by this act or by the merger herein provided for, but all such actions, suits, and proceedings shall be continued and completed in the same manner as if merger had not occurred, and the Town of Waynesville shall be a party to all such actions, suits, and proceedings in the place and stead of the Town of Hazelwood and shall pay or cause to be paid any judgments rendered against the Town of Hazelwood in any such actions, suits, or proceedings. No new process need be served in any such action, suit, or proceeding.

(e) All obligations of the Town of Hazelwood, including outstanding indebtedness, shall be assumed by the Town of Waynesville, and all such obligations and outstanding indebtedness are hereby constituted obligations and indebtedness of the Town of Waynesville, and the full faith and credit of the Town of Waynesville shall be deemed to be pledged for the punctual payment of the principal of and interest on all general obligation bonds and bond anticipation notes of the Town of Hazelwood, and all the taxable property within the Town of Waynesville, as well as that formerly located within the Town of Hazelwood shall be and remain subject to taxation for such payment.

(f) All ordinances of the Town of Hazelwood shall continue in full force and effect within the area to which they apply on the effective date of this section as ordinances of the Town of Waynesville until repealed or amended by the governing body of the Town of Waynesville.

(g) All franchises heretofore granted by the Town of Hazelwood, which are still in force shall continue as valid franchises of the Town of Waynesville for the purposes granted within the area formerly comprising the Town of Hazelwood, but shall not hereby be constituted valid franchises for any other portion of the corporate limits of the Town of Waynesville.

(h) The Town of Waynesville shall assume responsibility for all current and future liabilities of the Town of Hazelwood for unemployment insurance benefit charges under G.S. 96-9(f)(1).

Sec. 2. Chapter 609, Session Laws of 1967, is amended by adding a new section to read:

"Sec. 1.1. Notwithstanding any other provision of law, a town liquor store may not be operated in the part of the Town of Waynesville that on the date of merger with the Town of Hazelwood was within the corporate limits of the Town of Hazelwood."

Sec. 3. Section 1.3 of the Charter of the Town of Waynesville, being Chapter 431, Session Laws of 1981, is amended by adding the following new language immediately after the first sentence: "The corporate limits of the Town of Waynesville also include all areas within the corporate limits of the Town of Hazelwood on the date the Town of Hazelwood was merged into the Town of Waynesville."

Sec. 4. The Town of Hazelwood is merged into the Town of Waynesville.

Sec. 5. All property that had a tax situs in the Town of Hazelwood on January 1, 1988, shall be considered to have a tax situs in the Town of Waynesville for the appropriate fiscal year and any property properly listed for taxation in the Town of Hazelwood is properly listed for taxation in the Town of Waynesville.

Sec. 6. Sections 1, 2, and 7 of Chapter 225, Session Laws of 1977, are repealed.

Sec. 7. The qualified voters of the Towns of Hazelwood or Waynesville may petition the mayor and board of aldermen of their town for the call of an election on the question of merger of said towns. A petition in either town shall be signed by at least twenty percent (20%) of the qualified voters therein; shall be presented to the town clerk no later than 30 days after the date of ratification of this act; shall be certified by the town clerk as to the sufficiency thereof; and if the clerk finds that the petition is sufficient, the clerk shall notify the Haywood County Board of Elections.

Sec. 8. Upon receipt of such notice, the Board of Elections shall call elections in both the Towns of Hazelwood and Waynesville, to be held on August 25, 1987, and shall notify the mayor and board of aldermen of both towns that the election has been called.

All elections under this section shall be conducted pursuant to Chapter 163 of the General Statutes, except that notwithstanding G.S. 163-33(8), notice shall be given at least 30 days prior to the election and the advertisement shall be made twice, once prior to 30 days before the election, and once between 30 and 20 days prior to the election, and except that if absentee voting is allowed in either town under G.S. 163-302, notwithstanding subsection (b) of that section the earliest date absentee ballots must be available is 20 days prior to the election.

Sec. 9. The form of the ballot shall be substantially as follows:

- "[ ] FOR merger of the Town of Hazelwood with the Town of Waynesville.  
[ ] AGAINST merger of the Town of Hazelwood with the Town of Waynesville."

Sec. 10. The Board of Elections shall certify the results of any such election to each of said towns and the clerk of each town shall cause such certification to be recorded in the official minute book of the town.

Sec. 11. If a sufficient petition is not submitted under Section 7 of this act within 30 days of ratification of this act, this act shall have no further effect.

Sec. 12. (a) The Board of Elections shall certify the results of any such election to each of said towns and the mayor and board of aldermen of each town shall cause such certification to be recorded in the official minute book of the town.

(b) If a majority of the votes cast in each town are for consolidation, the proposition is carried. If the proposition is carried, then Sections 1 through 6 of this act shall become effective on July 1, 1988. If the proposition is carried, the Haywood County Board of Elections shall reopen filing for the offices of Mayor and Board of Aldermen of the Town of Waynesville for the regular 1987 election for a period of not less than seven days. During that period, filing shall be open for any qualified voter of the Town of Hazelwood, and any candidate who has already filed may withdraw and receive a refund of the filing fee paid. If the proposition is carried, in the 1987 regular Town election, the voters of both the Towns of Hazelwood and Waynesville shall vote in the election for the Mayor of Waynesville and the members of the Board of Aldermen of the Town of Waynesville, and no election shall be held in 1987 for the Mayor of the Town of Hazelwood and the Board of Aldermen of the Town of Hazelwood, and any person who has filed for any Hazelwood town office for the 1987 regular election shall have the filing fee refunded.

(c) If the proposition is carried, then at convening of the 1987 organizational meeting of the Board of Aldermen of the Town of Waynesville after the regular 1987 election, the terms of office of the Mayor of the Town of Hazelwood and members of the Board of Aldermen of the Town of Hazelwood expire, and they shall not hold over. During the period beginning with the convening of that meeting and ending June 30, 1988, the Mayor of Waynesville shall be ex officio Mayor of the Town of Hazelwood, and the members of the Board of Aldermen of the Town of Waynesville shall be ex officio members of the Board of Aldermen of the Town of Hazelwood, notwithstanding the number of members of that Board provided in the Charter of the Town of Hazelwood.

(d) If the proposition is not carried, Sections 1 through 6 of this act do not become effective.

Sec. 13. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 11th day of June, 1987.