

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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HOUSE BILL 1240

Short Title: Castle Hayne Incorporation.

(Local)

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Sponsors: Representatives Nye; and Wright.

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Referred to: Local and Regional Government I.

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May 20, 1996

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  
20 under Holly Shelter Road, continuing South approximately 1 mile where Island Creek

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

### 16 "CHAPTER III.

#### 17 "GOVERNING BODY.

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

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

23 "Sec. 3.3. **Term of Office of Council Members.** In 1997, six members of the  
24 Council shall be elected. The three persons receiving the highest numbers of votes are  
25 elected for four-year terms, and the three persons receiving the next highest numbers of  
26 votes shall be elected for two-year terms. In 1999 and biennially thereafter, three  
27 members of the Council shall be elected for four-year terms.

28 "Sec. 3.4. **Selection of Mayor; Term of Office.** The qualified votes of the entire  
29 Town elect the Mayor. A Mayor shall be elected in 1997 and quadrennially thereafter for  
30 a four-year term. The Mayor has the same voting rights and privileges and is subject to  
31 the same voting limitations and requirements as are Council members under the general  
32 law. In determining a quorum, a majority vote of the Council or in being excused from  
33 voting, the Mayor is treated as a member of the Council.

### 34 "CHAPTER IV.

#### 35 "ELECTIONS.

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

### 39 "CHAPTER V.

#### 40 "ADMINISTRATION.

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

1           Sec. 2. Until members of the Town Council are elected in 1997 in accordance  
2 with the Town Charter and the law of North Carolina, the Castle Hayne Charter  
3 Commission shall serve as the interim governing body. The Chairman of the Castle  
4 Hayne Charter Commission shall be interim Mayor and other members of the  
5 Commission serve as interim Council members from the time that the results of the  
6 election are certified until noon on Monday, December 1, 1997, when their successors  
7 shall take office as provided by this Charter. Vacancies in the interim council shall be  
8 filled by appointment made by the remaining members. A vacancy in the office of  
9 interim Mayor is filled by appointment made by the interim governing board.

10           Sec. 3. From and after January 1, 1996, the citizens and property in the Town  
11 of Castle Hayne shall be subject to municipal taxes levied for the year beginning January  
12 1, 1996, and for that purpose the Town shall obtain from New Hanover County a record  
13 of property in the area herein incorporated which was listed for taxes as of January 1,  
14 1996, and the businesses in the Town shall be liable for privilege license tax from the  
15 effective date of the privilege license tax ordinance. For fiscal year 1996-97, ad valorem  
16 taxes may be paid at par or face amount within 90 days of adoption of the budget  
17 ordinance, and thereafter in accordance with the schedule in G.S. 105-360 as if the taxes  
18 had been due and payable on September 1, 1996.

19           The Town may adopt a budget ordinance for fiscal year 1996-97 without  
20 following the timetable in the Local 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 180 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.