NORTH CAROLINA GENERAL ASSEMBLY
1971 SESSION

CHAPTER 788
HOUSE BILL 1338

AN ACT TO PROVIDE A METHOD WHEREBY THE BOARD OF COUNTY COMMISSIONERS OF LINCOLN COUNTY MIGHT INCORPORATE NEW TOWNS IN LINCOLN COUNTY.

The General Assembly of North Carolina do enact:

Section l. Petition of property owners. One or more persons may petition the Board of County Commissioners of Lincoln County to incorporate a town in Lincoln County. The petition shall be signed by all the owners of real property, as shown by the tax records of Lincoln County, in the area proposed for incorporation. The petition shall set forth the name of the proposed town, the boundaries of the proposed town, and the form of government for the proposed town. The form of government shall be selected from among the options set forth in G.S. 160-291 through G.S.160-293. (If House Bill 153, introduced in the 1971 Session of the General Assembly, is enacted, the form of government shall be selected from among the options set forth in G.S. 160A-101.)

Sec. 2. Public hearing on the petition. Upon receipt of a petition, the Board of County Commissioners shall set a date for a public hearing on the question of incorporation. The Board shall cause notice of the public hearing to be published once a week for two successive weeks prior to the hearing, beginning no later than 20 days before the date of the hearing. The notice shall state the time, date and place for the public hearing and the matters to be discussed.

Sec. 3. Order of incorporation. After the conclusion of the public hearing, the Board of County Commissioners may enter an order incorporating the town, if the Board finds

(a) that all the owners of real property in the area to be incorporated have signed the petition.

(b) that the area to be incorporated does not lie within any incorporated municipality, and

(c) that the incorporation of the town would be in the interest of the public health, safety and welfare.

The order of incorporation shall state the name of the town, its corporate limits (which may be slightly modified from those stated in the petition), the form of government for the town, the date of the first election for town officers (and if that election is to be held after the date of incorporation, the names of temporary officers to serve until the election), and the date of incorporation. The order shall be transmitted to the Secretary of State prior to the date of incorporation.

Sec. 4. Town under general law. Any new town incorporated pursuant to this act shall have all the powers and be subject to all the duties provided by the General Statutes of North Carolina for cities and towns generally. In addition, it shall operate under the provisions of the order of incorporation, until such time as these are changed in accordance with law. Any new town may levy ad valorem taxes on real property for the first full fiscal year it is in existence.

Sec. 5. This act becomes effective upon ratification.

In the General Assembly read three times and ratified, this the 7th day of July, 1971.