

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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HOUSE BILL 590
Committee Substitute Favorable 5/4/95

Short Title: Mountain View Incorporated.

(Local)

Sponsors:

Referred to:

March 28, 1995

1 A BILL TO BE ENTITLED
2 AN ACT TO INCORPORATE THE TOWN OF MOUNTAIN VIEW.

3 The General Assembly of North Carolina enacts:

4 Section 1. A Charter for the Town of Mountain View is enacted to read:

5 **"CHARTER OF THE TOWN OF MOUNTAIN VIEW.**

6 **"CHAPTER I.**

7 **"INCORPORATION AND CORPORATE POWERS.**

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

12 "Sec. 1.2. **Map.** An official map of the Town, showing the current boundaries, is
13 maintained permanently in the office of the Town Clerk and is available for public
14 inspection. A true copy of such shall be filed in the office of the Catawba County
15 Register of Deeds.

16 **"CHAPTER II.**

17 **"CORPORATE BOUNDARIES.**

18 "Sec. 2.1. **Town Boundaries.** Until modified in accordance with law the boundaries
19 of the Town of Mountain View are as follows:

1 All of the area within the Mountain View Rural Fire District of Catawba County,
2 excepting any area already within the corporate limits of any municipality:
3 Beginning at Point (1) at the Catawba County/Burke County line 500' south of its
4 intersection with SR 1126. Thence in an easterly direction to Point (2) at its intersection
5 with SR 1002, and SR 1126, excluding property on SR 1126. Thence in a northeasterly
6 direction to Point (3) in the Henry Fork River, 500' west of its intersection with Old
7 Shelby Road, SR 1124. Thence northeasterly following the Henry Fork River to Point
8 (4) at the town limits of Brookford. Thence northerly, easterly, and southerly following
9 the town limits of Brookford to Point (5) in the Henry Fork River. Thence southeasterly
10 following the Henry Fork River to Point (6) on SR 1143 at the center of the bridge.
11 Thence southeasterly to Point (7) where the Henry Fork River and Jacob's Fork River
12 meet to form the South Fork Catawba River. Thence westerly following the Jacob's Fork
13 River, to Point (8) at the bridge on SR 1008. Continuing westerly following Jacob's Fork
14 River to Point (9) at the bridge on SR 1139, continuing westerly to Point (10) at the
15 bridge on NC 127. Thence northwesterly to Point (11) on SR 1122, 1.1 mile east of its
16 intersection with SR 1220 and SR 1002. Thence northwesterly to Point (13) at its
17 intersection with SR 1124 and the Catawba County/Burke County line. Thence
18 following the Catawba County/Burke County line to Point (1), the beginning.

19 "CHAPTER III.

20 "GOVERNING BODY.

21 "Sec. 3.1. **Structure of Governing Body; Number of Members.** The governing
22 body of the Town of Mountain View is the Town Council, which has five members.

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

25 "Sec. 3.3. **Term of Office of Council Members.** Members of the Council are
26 elected to four-year terms except that of those elected at the initial election in November
27 following a special election to authorize incorporation, the three persons receiving the
28 highest number of votes shall serve for four years or until the second regular municipal
29 election following the initial election, whichever comes first, and the two persons the
30 next highest number of votes shall serve for two years or until the first regular municipal
31 election following the initial election, whichever comes first. At the first regular
32 municipal election following the initial election, and quadrennially thereafter, two
33 members of the Council shall be elected to four-year terms. At the second regular
34 municipal election following the initial election, and quadrennially thereafter, three
35 members of the Council shall be elected to four-year terms. Regular municipal elections
36 shall be held in odd-numbered years.

37 "Sec. 3.4. **Selection of Mayor; Term of Office.** The Mayor is elected by the
38 qualified voters of the entire Town at the initial election and quadrennially thereafter for a
39 four-year term, except that if the initial election is in an even-numbered year, the first
40 term is for three years.

41 "CHAPTER IV.

42 "ELECTIONS.

1 "Sec. 4.1. **Conduct of Town Elections.** Town elections shall be conducted on a
2 nonpartisan basis, and the results determined by plurality as provided in G.S. 163-292.
3 Elections shall be conducted by the Catawba County Board of Elections.

4 **"CHAPTER V.**

5 **"ADMINISTRATION.**

6 "Sec. 5.1. The Town of Mountain View shall operate under the Mayor-Council plan
7 as provided in Part 3 of Article 7 of Chapter 160A of the General Statutes."

8 Sec. 2. The initial meeting of the Town Council following the initial municipal
9 election shall be called by the Mayor.

10 Sec. 3. (a) From and after the organizational meeting of the Town Council after the
11 initial municipal election provided in Section 4 of this act, the citizens and property in the
12 Town of Mountain View shall be subject to municipal taxes levied for the year beginning
13 July 1 in the year of incorporation, and for that purpose the Town shall obtain from
14 Catawba County a record of property in the area herein incorporated which was listed for
15 taxes as of January 1 in the year of incorporation; and the businesses in the Town shall be
16 liable for privilege license tax from the effective date of the privilege license tax
17 ordinance.

18 (b) The Town may adopt a budget ordinance for its first fiscal year without
19 following the timetable in the Local Government Budget and Fiscal Control Act, but shall
20 follow the sequence of actions in the spirit of the act insofar as is practical. For its first
21 fiscal year, ad valorem taxes may be paid at par or face amount within 90 days of
22 adoption of the budget ordinance, and thereafter in accordance with the schedule in G.S.
23 105-360 as if the taxes had been due and payable on September 1 of its first fiscal year.

24 Sec. 4. The Board of Commissioners of Catawba County may authorize the
25 Catawba County Board of Elections to conduct a special election at a date no earlier than
26 60 days after ratification of this act for the purpose of submission to the qualified voters
27 of the area described in Section 2.1 of the Charter of the Town of Mountain View, the
28 question of whether or not such area shall be incorporated as the Town of Mountain
29 View. Registration for the election shall be conducted in accordance with G.S. 163-
30 288.2. If the Board of Commissioners of Catawba County fails to set such special
31 election to be held prior to December 31, 1998, this act expires.

32 Sec. 5. In the election, the question on the ballot shall be:

33 **"[] FOR [] AGAINST**

34 **INCORPORATION OF THE TOWN OF MOUNTAIN VIEW".**

35 Sec. 6. In the election, if a majority of the votes are cast "For Incorporation of
36 the Town of Mountain View", Sections 1 through 3 of this act shall become effective on
37 the date that the Catawba County Board of Elections certifies the results of the election.
38 Otherwise, those sections shall have no force and effect.

39 Sec. 7. If a majority of the voters approve the incorporation of Mountain
40 View, the election of the initial Mayor and Town Council shall take place at an election
41 held on the first Tuesday following the first Monday in November following the special
42 election on incorporation. The Catawba County Board of Elections shall establish a

1 special candidate filing period in lieu of that provided by Chapter 163 of the General
2 Statutes.

3 Sec. 8. This act is effective upon ratification.