

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 420  
Committee Substitute Favorable 7/17/97  
Third Edition Engrossed 7/23/97

Short Title: Kings Mt./Moss Lake Amendments.

(Local)

Sponsors:

Referred to:

March 6, 1997

1 A BILL TO BE ENTITLED  
2 AN ACT TO AUTHORIZE THE CITY OF KINGS MOUNTAIN TO ANNEX  
3 CERTAIN NONCONTIGUOUS PROPERTY, CREATING THE MOSS LAKE  
4 AUTHORITY TO ADDRESS ISSUES RELATED TO THE LAKE, AND  
5 PROVIDING GUIDELINES FOR THE COLLECTION AND DISBURSEMENT OF  
6 FEES GENERATED FROM THE RECREATIONAL USE OF MOSS LAKE.

7 The General Assembly of North Carolina enacts:

8 **PART 1. ANNEXATION OF A PORTION OF THE MOSS LAKE PROPERTY.**

9 Section 1. Notwithstanding the provisions of G.S. 160A-58.7 and G.S. 160A-  
10 58.1(b), the City of Kings Mountain may annex under Part 4 of Article 4A of Chapter  
11 160A of the General Statutes the property on which the John Henry Moss Water  
12 Treatment Plant and Moss Lake Dam are situated.

13 Section 2. The boundaries of any area annexed under this act shall not be  
14 considered the primary corporate limits of the City for the purpose of Part 4 of Article 4A  
15 of Chapter 160A of the General Statutes and shall not be considered the boundary of the  
16 municipality for the purpose of Part 1, 2, or 3 of that Article, even if the area becomes  
17 contiguous due to annexation of the intervening property.

18 **PART 2. MOSS LAKE AUTHORITY; CREATION; MEMBERS.**

1 Section 3. There is established the Moss Lake Authority, to be composed of  
2 seven members: five shall be residents of the City of Kings Mountain who are not elected  
3 officials or City employees, appointed by the City Council; and two shall be members of  
4 the Moss Lake Property Owners' Association, appointed by the Association. Members  
5 shall serve for a term of three years, except that the city clerk of the City of Kings  
6 Mountain shall randomly designate three of the initial members to serve initial two-year  
7 terms and two of the initial members to serve an initial one-year term.

8 **POWERS AND DUTIES OF THE AUTHORITY AND THE CITY OF KINGS**  
9 **MOUNTAIN.**

10 Section 4. (a) The Authority shall be responsible for addressing issues related  
11 to recreation user fees as described in Section 5 of this act, lake patrol, and the recreation-  
12 related operation, maintenance, and improvement of the Lake. Any recommendations of  
13 the Authority related to the listed issues shall be implemented by the City unless the  
14 Council cannot implement the recommendation due to compelling reasons documented in  
15 a finding of fact.

16 (b) The Authority, at the expense of the City, shall biennially conduct an  
17 independent audit of the Moss Lake Fund receipts and disbursements.

18 (c) Homeowners may make improvements on the control strip that both  
19 enhance recreational use of the lake and do not violate any City ordinance in effect on  
20 June 1, 1997.

21 (d) The City of Kings Mountain may not lower the water level of Moss  
22 Lake, unless required by Chapter 166A of the General Statutes, Part 3 of Article 21 of  
23 Chapter 143 of the General Statutes, other safety or maintenance requirements, or  
24 otherwise by law. The City of Kings Mountain shall give Moss Lake homeowners at least  
25 10 days' prior notice before changing the water level of the Lake, unless prevented from  
26 giving notice by emergency.

27 **MOSS LAKE FEES; USE AND RESTRICTIONS.**

28 Section 5. (a) The Authority shall annually develop a fee schedule for all  
29 recreational uses of Moss Lake and the eight-foot control strip around the Lake. No fee  
30 increase shall be recommended by the Authority if a surplus exists in the Moss Lake  
31 Fund. The fee schedule shall be adopted and collected by the City as recommended by  
32 the Authority. In developing a recommended fee schedule, the Moss Lake Authority shall  
33 determine an equitable method for allocation of pro rata cost based on boat registration of  
34 homeowners of lakefront property and nonlake resident registration from the preceding  
35 year accounting reports of the City of Kings Mountain.

36 (b) The City shall establish and maintain a separate fund for all user fees  
37 collected from Moss Lake property owners and nonresidents (the "Moss Lake Fund" ).  
38 Up to five percent (5%) of the Fund may be used by the City for maintenance of the Moss  
39 Lake Dam. The City shall use the remainder of the Fund only for the recreation-related  
40 operation of Moss Lake, and shall not transfer any of the remainder of the Moss Lake  
41 Fund to any other fund of the City.

42 (c) Fees charged to property owners surrounding Moss Lake shall not be  
43 used for expenses relating to:

1           (1)    Public swimming areas and buildings utilized for public swimming and  
2                    concessions for public swimming; or

3           (2)    Water treatment and reservoir functions.

4           These items are the responsibility of the City of Kings Mountain.

5           (d)    Any fees applicable to homeowners on Moss Lake shall be charged on  
6 an equal basis per developed lot, according to plats of the Lake and surrounding property  
7 recorded in the Cleveland County Registry of Deeds.

8 **PART 3. EFFECTIVE DATE.**

9           Section 6. This act becomes effective June 30, 1997. If any provision of  
10 Sections 4 or 5 this act conflicts with any court order or consent judgment entered prior to  
11 July 1, 1997, that court order or consent judgment continues to apply according to its  
12 terms.