

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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HOUSE BILL 1177

Short Title: Battleboro/Rocky Mt. Merger.

(Local)

Sponsors: Representatives Tolson; Arnold, Fitch, Locke, and Mercer.

Referred to: Local and Regional Government I.

May 15, 1996

A BILL TO BE ENTITLED

AN ACT TO ALLOW THE MERGER OF THE TOWN OF BATTLEBORO INTO THE CITY OF ROCKY MOUNT.

The General Assembly of North Carolina enacts:

Section 1. (a) The Town of Battleboro and the City of Rocky Mount may, by ordinances approved by the governing board of both units, merge the Town of Battleboro into the City of Rocky Mount. The ordinances need not provide for any referendum on the merger.

(b) The ordinances may provide that the merger is effective only if approved by the qualified voters of the Town of Battleboro.

(c) If a referendum is held on the proposed merger, it may be held on the same day as any other referendum or election in the county or counties involved, but may not otherwise be held during the period beginning 50 days before and ending 50 days after the day of any other referendum or election to be conducted by the board or boards of elections conducting the referendum and already validly called or scheduled by law.

The proposition submitted to the voters shall be in the form approved by the ordinance.

Sec. 2. (a) On the effective date of the merger, all property, real and personal and mixed, including accounts receivable, belonging to the Town of Battleboro shall by operation of law vest in, belong to, and be the property of the City of Rocky Mount. The

1 governing body of the Town of Battleboro shall take such additional actions and execute
2 such documents as will carry into effect the provisions and the intent of this section.

3 (b) All judgments, liens, rights of liens, and causes of action of any nature in favor
4 of the Town of Battleboro shall vest in and remain and inure to the benefit of the City of
5 Rocky Mount.

6 (c) All taxes, assessments, water or sewer charges, and any other charges or fees,
7 owing to the Town of Battleboro shall be owed to and collected by the City of Rocky
8 Mount.

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

17 (e) All obligations of the Town of Battleboro, including outstanding
18 indebtedness, shall be assumed by the City of Rocky Mount, and all such obligations and
19 outstanding indebtedness are hereby constituted obligations and indebtedness of the City
20 of Rocky Mount.

21 (f) The zoning ordinance of the Town of Battleboro adopted under Article 19
22 of Chapter 160A of the General Statutes shall continue in full force and effect within the
23 area to which it applies and shall be enforced by the City of Rocky Mount until such time
24 as the City of Rocky Mount adopts an ordinance under Article 19 of Chapter 160A of the
25 General Statutes zoning such area.

26 (g) All franchises heretofore granted by the Town of Battleboro, which are
27 still in force shall continue as valid franchises of the City of Rocky Mount for the
28 purposes granted within the area formerly comprising the Town of Battleboro, but shall
29 not hereby be constituted valid franchises for any other portion of the corporate limits of
30 the City of Rocky Mount.

31 (h) The City of Rocky Mount shall assume responsibility for all current and
32 future liabilities of the Town of Battleboro for unemployment insurance benefit charges
33 under G.S. 96-9(f)(1).

34 Sec. 3. The Charter of the City of Rocky Mount, being Chapter 938, Session
35 Laws of 1963, is amended by adding the following new section:

36 "Sec. 2.1. The corporate limits of the City of Rocky Mount also include all areas
37 within the corporate limits of the Town of Battleboro on the date the Town of Battleboro
38 was merged into the City of Rocky Mount."

39 Sec. 4. The Town of Battleboro is merged into the City of Rocky Mount. The
40 Town of Battleboro is abolished as a separate municipal corporation.

41 Sec. 5. The effective date of the merger is any of the following dates as
42 selected by the ordinance:

43 (1) June 30, 1996;

- 1 (2) July 1, 1996;
2 (3) June 30, 1997; or
3 (4) July 1, 1997.

4 Sec. 6. All property that had a tax situs in the Town of Battleboro on January 1
5 of the year of merger shall be considered to have a tax situs in the City of Rocky Mount
6 for the appropriate fiscal year and any property properly listed for taxation in the Town of
7 Battleboro is properly listed for taxation in the City of Rocky Mount.

8 Sec. 7. The Charter of the City of Rocky Mount, being Chapter 938 of the
9 1963 Session Laws, is amended by adding a new section to read:

10 "Sec. 302.1. The area in the extraterritorial jurisdiction of the Town of Battleboro for
11 the purposes of Article 19 of Chapter 160A of the General Statutes are placed in the
12 extraterritorial jurisdiction of the City of Rocky Mount for the purposes of that Article,
13 Articles 1 and 2 of Chapter VIII of this Charter, and any similar provisions of this
14 Charter."

15 Sec. 8. (a) Approval of any ordinance to merge the Town of Battleboro into the
16 City of Rocky Mount has the effect of extending the corporate limits of the City of Rocky
17 Mount to include the following described area as of a date specified in the ordinance
18 adopted by the City of Rocky Mount, but not later than July 1, 1997:

19 **[INSERT DESCRIPTION OF AREA TO BE ANNEXED]**

20 (b) From and after the effective date of the extension of the corporate limits under
21 subsection (a) of this section, the territory and its citizens and property shall be subject to
22 all debts, laws, ordinances, and regulations in force in the City of Rocky Mount and shall
23 be entitled to the same privileges and benefits as other parts of the City of Rocky Mount,
24 and the provisions of G.S. 160A-49.1 governing contracts with rural fire departments and
25 the provisions of G.S. 160A-49.3 governing contracts with private solid waste collection
26 firms shall be applicable to such territory.

27 Sec. 9. The following acts, being the Charter of the Town of Battleboro, are
28 repealed:

- 29 (1) Chapter 99, Private Laws of 1871-72
30 (2) Chapter 68, Private Laws of 1873-74
31 (3) Chapter 215, Private Laws of 1915
32 (4) Chapter 292, Session Laws of 1955
33 (5) Chapter 580, Session Laws of 1969

34 Sec. 10. Sections 2 through 9 of this act become effective only if the Town of
35 Battleboro is merged into the City of Rocky Mount under Section 1 of this act.

36 Sec. 11. This act is effective upon ratification.