

NORTH CAROLINA GENERAL ASSEMBLY
1971 SESSION

CHAPTER 51
HOUSE BILL 166

AN ACT TO AUTHORIZE AND EMPOWER THE TOWN OF CHAPEL HILL TO CREATE AND ESTABLISH SPECIAL CAPITAL RESERVE FUNDS AND TO MAKE CERTAIN APPROPRIATIONS TO SAID FUNDS AND TO PROVIDE FOR THE WITHDRAWAL AND USE OF SUCH FUNDS FOR PUBLIC PURPOSES.

The General Assembly of North Carolina do enact:

Section 1. In addition to all other funds now authorized by law, the Town of Chapel Hill is hereby authorized and empowered to establish and maintain certain capital reserve funds in the manner hereinafter provided.

Sec. 2. When the governing body of the Town of Chapel Hill elects to establish a capital reserve fund, it shall adopt an ordinance creating the fund. In such ordinance, the governing body may provide that all or a part of the fund shall be used specifically for any one or more of the purposes enumerated in Section 6.

Sec. 3. Upon the adoption of an ordinance establishing a capital reserve fund, the governing body may pursuant to the provisions of the municipal fiscal control act make appropriations from the general fund of the municipality for payment to the capital reserve fund, provided, however, that appropriations to such funds as may not be necessary expenses within the provisions of Section 7, Article VII of the Constitution of North Carolina may be made only from such funds as may be legally available therefor. Thereafter, appropriations may be made in the same manner at any time from time to time in the discretion of the governing body.

Sec. 4. In the ordinance creating the capital reserve fund, the governing body shall designate some bank, banks, or trust company in this State as depository in which monies of the fund shall be deposited. All such deposits shall be secured as provided by G.S. 159-28 of the local government act.

Sec. 5. Pending their use for the purposes hereinafter authorized, all or part of the monies in the capital reserve fund may be invested as provided in G.S. 160-431.

Sec. 6. Subject to the provisions of the ordinance establishing the capital reserve fund, expenditure of monies in the fund may be made at any time or from time to time in the manner hereinafter provided for all or part of the costs of the following purposes:

1. Construction or reconstruction of sidewalks.
2. The acquisition of parks, recreational areas, and open space.
3. The acquisition or construction or enlargement of a municipal animal shelter, capital equipment, or other capital uses in connection with animal control.

Sec. 7. The governing body, by resolution, shall authorize the withdrawal of monies in the capital reserve fund in accordance with the provisions of G.S. 160-433.

Sec. 8. It shall be unlawful to withdraw or expend or to cause to be withdrawn and expended, all or any part of a capital reserve fund, for any purpose other than the purposes authorized by this act.

Sec. 9. If any section or any part of this act is declared to be invalid for any reason, such declaration shall not affect the remaining portions, and it is declared to be the legislative intent that such remaining portions would have been enacted separate and apart from that portion so declared to be invalid.

Sec. 10. All laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 11. This act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of March, 1971.