

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

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HOUSE BILL 60

Short Title: Incorporate Swift Creek.

(Local)

Sponsors: Representative Dollar.

Referred to: Finance.

February 3, 2005

A BILL TO BE ENTITLED
AN ACT TO INCORPORATE THE VILLAGE OF SWIFT CREEK.

Whereas, in Chapter 192 of the 1998 Session Laws, as amended by Chapter 66 of the 2000 Session Laws, the General Assembly gave the qualified resident voters of the Swift Creek area in Wake County the opportunity to vote in a nonbinding advisory referendum on the incorporation of the Swift Creek area as a municipality; and

Whereas, the nonbinding referendum was conducted on November 7, 2000; and

Whereas, the results of the nonbinding referendum were fifty-eight percent for incorporation and forty-one percent against incorporation; Now, therefore, The General Assembly of North Carolina enacts:

SECTION 1. A Charter for the Village of Swift Creek is enacted to read:

"CHARTER OF THE VILLAGE OF SWIFT CREEK.

"ARTICLE 1. INCORPORATION AND CORPORATE POWERS.

"Section 1.1. **Incorporation and Corporate Powers.** The inhabitants of the Village of Swift Creek are a body corporate and politic under the name 'Village of Swift Creek'. The Village of Swift Creek has all the powers, duties, rights, privileges, and immunities conferred and imposed on cities by the general law of North Carolina.

"ARTICLE II. CORPORATE BOUNDARIES.

"Section 2.1. **Village Boundaries.** Until modified in accordance with the law, the boundaries of the Village of Swift Creek are as follows:

The area in Wake County beginning at the intersection of Lake Wheeler Road and Ten-Ten Road, being an area bounded on the south by Ten-Ten Road; on the east by Lake Wheeler Road; on the north by the boundary of the extraterritorial jurisdiction of the City of Raleigh which consists of Little Swift Creek, also known as Steep Hill Creek, from where it intersects Lake Wheeler Road upstream to where it intersects Tryon Road, then west along Tryon Road to the intersection of Tryon Road and Campbell Road; and, on the west by the boundary of the extraterritorial jurisdiction of the Town of Cary along Campbell Road to the intersection of that boundary line and

1 Holly Springs Road, then along Holly Springs Road to the intersection of Holly Springs
2 Road and Ten-Ten Road, the point and place of beginning.

3 "ARTICLE III. GOVERNING BODY.

4 "Section 3.1. **Structure of Governing Body; Number of Members.** The governing
5 body of the Village of Swift Creek shall be the Village Council, which shall have four
6 members, and the Mayor.

7 "Section 3.2. **Manner of Electing Council.** The qualified voters of the entire
8 Village shall elect the members of the Village Council and, except as provided in this
9 section, they shall serve four-year terms. In 2005, the two candidates receiving the
10 highest numbers of votes shall be elected to four-year terms and the two candidates
11 receiving the next highest numbers of votes shall be elected to two-year terms. In 2007,
12 and biennially thereafter, two members shall be elected to four-year terms.

13 "Section 3.3. **Manner of Electing Mayor; Term of Office.** The qualified voters of
14 the entire Village shall elect the Mayor. In 2005, and quadrennially thereafter, the
15 Mayor shall be elected for a term of four years.

16 "ARTICLE IV. ELECTIONS.

17 "Section 4.1. **Conduct of Village Elections.** Elections shall be conducted on a
18 nonpartisan basis and results determined by a plurality as provided in G.S. 163-292.

19 "ARTICLE V. ADMINISTRATION.

20 "Section 5.1. **Village to Operate Under Mayor-Council Form.** The Village of
21 Swift Creek will operate under the Mayor-Council form of government as provided in
22 Part 3 of Article 7 of Chapter 160A of the General Statutes. The Mayor shall have the
23 same voting rights and privileges and shall be subject to the same voting limitations and
24 requirements as are Council members under the general law."

25 **SECTION 2.** From and after the effective date of this act, the citizens and
26 property in the Village of Swift Creek shall be subject to municipal taxes levied for the
27 fiscal year beginning July 1, 2005, and for that purpose, the Village shall obtain from
28 Wake County a record of property in the area herein incorporated which was listed for
29 taxes as of January 1, 2005. The Village may adopt a budget ordinance for fiscal year
30 2005-2006 without following the timetable in the local Government Budget and Fiscal
31 Control Act, but shall follow the sequence of actions in the spirit of the Act insofar as is
32 practical. For fiscal year 2005-2006, ad valorem taxes may be paid at par or face
33 amount within 90 days of adoption of the budget ordinance and thereafter in accordance
34 with the schedule in G.S. 105-360.

35 **SECTION 3.** The initial election for Village officers shall be conducted on
36 November 8, 2005, by the Wake County Board of Elections. The incorporation of the
37 Village of Swift Creek shall become effective on the date that the Wake County Board
38 of Elections certifies the results of the election.

39 **SECTION 4.** This act is effective when it becomes law.