

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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HOUSE BILL 590

Short Title: Mountain View Incorporated.

(Local)

Sponsors: Representatives Kiser; and Berry.

Referred to: Local & Regional Government II.

March 28, 1995

A BILL TO BE ENTITLED

AN ACT TO INCORPORATE THE TOWN OF MOUNTAIN VIEW.

The General Assembly of North Carolina enacts:

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

"CHARTER OF THE TOWN OF MOUNTAIN VIEW.

"CHAPTER I.

"INCORPORATION AND CORPORATE POWERS.

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

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

"CHAPTER II.

"CORPORATE BOUNDARIES.

"Sec. 2.1. **Town Boundaries.** Until modified in accordance with law the boundaries 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 1995, the
27 three highest vote getters who are elected shall serve for four-year terms and the next two
28 highest vote getters shall serve for two-year terms. In 1997 and quadrennially thereafter,
29 two members of the Council shall be elected for four-year terms. In 1999 and
30 quadrennially thereafter, three members of the Council shall be elected for four-year
31 terms.

32 "Sec. 3.4. **Selection of Mayor; Term of Office.** The Mayor is elected by the
33 qualified voters of the entire Town in 1995 and quadrennially thereafter for a four-year
34 term.

35 "CHAPTER IV.

36 "ELECTIONS.

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

40 "CHAPTER V.

41 "ADMINISTRATION.

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

1 Sec. 2. The initial meeting of the Town Council following the 1995 municipal
2 election shall be called by the Mayor.

3 Sec. 3. (a) From and after the organizational meeting of the Town Council after the
4 1995 municipal election provided in Section 4 of this act, the citizens and property in the
5 Town of Mountain View shall be subject to municipal taxes levied for the year beginning
6 July 1, 1995, and for that purpose the Town shall obtain from Catawba County a record
7 of property in the area herein incorporated which was listed for taxes as of January 1,
8 1995; and the businesses in the Town shall be liable for privilege license tax from the
9 effective date of the privilege license tax ordinance.

10 (b) The Town may adopt a budget ordinance for fiscal year 1995-96 without
11 following the timetable in the Local Government Budget and Fiscal Control Act, but shall
12 follow the sequence of actions in the spirit of the act insofar as is practical. For fiscal
13 year 1995-96, ad valorem taxes may be paid at par or face amount within 90 days of
14 adoption of the budget ordinance, and thereafter in accordance with the schedule in G.S.
15 105-360 as if the taxes had been due and payable on September 1, 1995.

16 Sec. 4. At a date no earlier than 60 days after ratification of this act and no
17 later than September of 1995 established by the Board of Commissioners of Catawba
18 County, the Catawba County Board of Elections shall conduct a special election for the
19 purpose of submission to the qualified voters of the area described in Section 2.1 of the
20 Charter of the Town of Mountain View, the question of whether or not such area shall be
21 incorporated as the Town of Mountain View. Registration for the election shall be
22 conducted in accordance with G.S. 163-288.2.

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

24 " FOR AGAINST

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

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

30 Sec. 7. If a majority of the voters approve the incorporation of Mountain
31 View, the election of the initial Mayor and Town Council shall take place at an election
32 held on November 7, 1995. The Catawba County Board of Elections shall establish a
33 special candidate filing period in lieu of that provided by Chapter 163 of the General
34 Statutes.

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