

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003**

**SESSION LAW 2003-317
HOUSE BILL 685**

AN ACT TO INCORPORATE THE TOWN OF SUNSET HARBOR.

The General Assembly of North Carolina enacts:

SECTION 1. A Charter for the Town of Sunset Harbor is enacted to read:
"CHARTER OF THE TOWN OF SUNSET HARBOR.

"ARTICLE I. INCORPORATION AND CORPORATE POWERS.

"Section 1.1. **Incorporation and Corporate Powers.** The inhabitants of the Town of Sunset Harbor are a body corporate and politic under the name 'Town of Sunset Harbor'. The Town of Sunset Harbor has all the powers, duties, rights, privileges, and immunities conferred and imposed upon cities by the general laws of North Carolina.

"ARTICLE II. CORPORATE BOUNDARIES.

"Section 2.1. **Town Boundaries.** Until modified in accordance with the law, the boundaries of the Town of Sunset Harbor shall be as follows:

BEGINNING at a point in the run of Mercer's Mill Pond Creek where said run of Mercer's Mill Pond Creek is intercepted by the southern boundary of River Run Plantation, as the same is shown on plats of River Run Plantation recorded in the Brunswick County Registry, as extended to the west; thence running eastwardly with the southern boundary of River Run Plantation as the same is shown on plats of River Run Plantation recorded in the Brunswick County Registry; thence across Sunset Harbor Road (State Road #1112) to the western boundaries of the Old Swain Property; thence southwardly with the western boundary of the Old Swain Property to a point where said extended line intersects with the boundary line of Lockwood Folly Township and Smithville Township in the U. S. Intracoastal Waterway, thence westwardly with the boundary line of Lockwood's Folly Township and Smithville Township in the U.S. Intracoastal Waterway, back to the run of Mercer's Mill Pond Creek; thence continuing with the run of Mercer's Mill Pond Creek, to a point in the run of Mercer's Mill Pond Creek where said run of Mercer's Mill Pond Creek is intercepted by the southern boundary of River Run Plantation, as the same is shown on plats of River Run Plantation recorded in the Brunswick County Registry, as extended to the west, the place and point of beginning.

"ARTICLE III. GOVERNING BODY.

"Section 3.1. **Structure of Governing Body.** The governing body of Sunset Harbor shall be the Board of Aldermen, which shall have five members and a Mayor.

"Section 3.2. **Temporary Officers.** Until the organizational meeting after the initial election in 2004 provided for by Section 4.1 of this Charter, Jackie Haddon is hereby appointed Mayor and Dennis Ruocco, Craig Howell, Daryl Darter, Roger Comer, and Miles Edge are appointed members of the Board of Aldermen of the Town of Sunset Harbor, and they shall possess and exercise the powers granted to the governing body until their successors are elected or appointed and qualified pursuant to this Charter. If any person named in this section is unable to serve, the remaining temporary officers shall, by majority vote, appoint a person to serve until the initial municipal election is held in 2004.

"Section 3.3. **Manner of Electing Board of Aldermen; Terms of Office.** The qualified voters of the entire Town shall elect the members of the Board of Aldermen and, except as provided in this section, they shall be elected to two-year terms. In 2004,

the two candidates receiving the highest numbers of votes shall be elected to four-year terms, and the three candidates receiving the next highest numbers of votes shall be elected to two-year terms. In 2005, and biennially thereafter, three members shall be elected to two-year terms. In 2007, and biennially thereafter, two members shall be elected to two-year terms.

"Section 3.4. **Manner of Electing Mayor; Term of Office.** The qualified voters of the entire Town shall elect the Mayor. In 2004, and biennially thereafter, the Mayor shall be elected for a term of two years.

"ARTICLE IV. ELECTIONS.

"Section 4.1. **Conduct of Town Elections.** Elections shall be conducted on a nonpartisan basis and the results determined by a plurality as provided in G.S. 163-292. The initial election for town officers shall take place on a date in February of 2004 established by the Brunswick County Board of Elections. That Board shall establish a special filing period and timetable for notice and conduct of the election. Officers elected in the 2004 election shall serve until the date in 2005 or 2007 that the terms would have expired if the election had been held in 2003. Subsequent elections shall take place in the odd-numbered years as provided by general law.

"ARTICLE V. ADMINISTRATION.

"Section 5.1. **Town to Operate Under Mayor-Council Plan.** The Town of Sunset Harbor will operate under the Mayor-Council plan as provided in Part 3 of Article 7 of Chapter 160A of the General Statutes.

"Section 5.2. **Ad Valorem Taxes.** The maximum ad valorem tax rate for the Town of Sunset Harbor is hereby established as ten cents (10¢) per one hundred dollars (\$100.00) valuation, and the Board of Aldermen shall not increase that rate without the vote or consent of a majority of the qualified voters of the Town of Sunset Harbor."

SECTION 2. From and after the effective date of this act, the citizens and property in the Town of Sunset Harbor shall be subject to municipal taxes levied for the year beginning July 1, 2003, and for that purpose, the Town shall obtain from Brunswick County a record of property in the area incorporated in Section 1 of this act that was listed for taxes as of January 1, 2003. The Town may adopt a budget ordinance for fiscal year 2003-2004 without following the timetable in the Local Government Budget and Fiscal Control Act, but shall follow the sequence of actions in the spirit of the act insofar as is practical. For fiscal year 2003-2004, ad valorem taxes may be paid at par or face amount within 90 days of adoption of the budget ordinance and thereafter in accordance with the schedule in G.S. 105-360. If the effective date of incorporation is prior to July 1, 2003, the Town may adopt a budget ordinance for fiscal year 2002-2003 without following the timetable in the Local Government Budget and Fiscal Control Act, but shall follow the sequence of actions in the spirit of the act insofar as is practical. No ad valorem taxes may be levied for the 2002-2003 fiscal year.

SECTION 3. The Brunswick County Board of Elections shall conduct an election on November 4, 2003, for the purpose of submission to the qualified voters of the area described in Section 2.1 of the Charter of the Town of Sunset Harbor the question of whether or not the area shall be incorporated as the Town of Sunset Harbor. Registration for the election shall be conducted in accordance with G.S. 163-288.2.

SECTION 4. In the election, the question on the ballot shall be:

[] FOR [] AGAINST

Incorporation of the Town of Sunset Harbor.'

SECTION 5. In the election, if a majority of the votes are cast 'For the Incorporation of the Town of Sunset Harbor', Sections 1 and 2 of this act shall become effective on the date that the Brunswick County Board of Elections certifies the results of the election. Otherwise, Sections 1 and 2 of this act shall have no force and effect.

SECTION 6. This act is effective when it becomes law.
In the General Assembly read three times and ratified this the 10th day of
July, 2003.

s/ Beverly E. Perdue
President of the Senate

s/ Richard T. Morgan
Speaker of the House of Representatives