

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 270

Short Title: Bethania Charter Amended.

(Local)

Sponsors: Representatives Decker; Sexton and Womble.

Referred to: Local and Regional Government II.

February 18, 1997

A BILL TO BE ENTITLED

AN ACT TO AMEND THE CHARTER OF THE TOWN OF BETHANIA.

The General Assembly of North Carolina enacts:

Section 1. The Charter of the Town of Bethania, being Chapter 65 of the Private Laws of 1839, reads as rewritten:

"Section I. The government of the Town of Bethania, in ~~Stokes county, Forsyth County~~ shall be temporarily vested in the following persons and their successors, viz: ~~George J. Wilson, Solomon Transou, Peter Transou, Elias Shaub, and J. G. Lash~~ the persons elected under Chapter 74 of the Session Laws of 1995, who shall serve until the organizational meeting after the 1997 municipal election and said Commissioners and their successors in office, ~~appointed~~ chosen agreeably to this Act, shall be, and they are hereby incorporated into a body corporate and politic, by the name of the Board of Commissioners for the Town of Bethania, and by such name, shall have succession and a common seal, sue and be sued, and by such name, shall have power, from time to time, and at all times hereafter, to adopt such rules and regulations, and pass such by-laws and ordinances, as to ~~them~~ or a majority of them, may be deemed necessary for the good government of said Town; and such rules, regulations, by-laws and ordinances, so passed, shall be as binding as if they were here specially enacted, provided they are authorized by general law or by this act, and are not inconsistent with the Constitution of the United

1 States, or of this State, and provided that the inhabitants of said Town shall, in full Town
2 meeting, approve of this Act of Incorporation.

3 Sec. II. Be it further enacted, That if, at any time hereafter, any of the ~~persons~~
4 ~~appointed~~ Commissioners ~~by this Act~~ shall refuse to act, or shall die, or remove out of said
5 Town, or otherwise be incapable of acting, the remaining Commissioners shall fill up
6 such vacancy ~~by selecting or appointing some other fit person,~~ in accordance with G.S.
7 160A-63, which Commissioner, so selected or appointed, shall have the same power, and
8 be under like restrictions, as those in whose stead they were appointed.

9 Sec. III. Be it further enacted, That said Board of Commissioners shall have power to
10 appoint ~~a Town Constable and Treasurer, and such other Officers as they may deem~~
11 ~~necessary;~~ and the Constable, ~~so appointed,~~ shall have power to collect all taxes, fines
12 and forfeitures, arising by virtue of this Act, in the same form and manner as in ordinary
13 cases ~~by warrant before any Justice of the Peace for said county, and he shall be allowed~~
14 ~~the same fees.~~ required or authorized by law.

15 Sec. IV. Be it further enacted, That said Board of Commissioners be, and they are
16 hereby authorized and empowered to lay and collect such taxes on ~~Town~~ property, in
17 accordance with Chapters 105, 159, and 160A of the General Statutes, not exceeding fifty
18 cents on each hundred dollars valuation of ~~real estate property~~ in said Town, and ~~twenty~~
19 ~~cents on every taxable poll,~~ as they shall deem necessary for the repair of the streets, and
20 provided by law for the good of the Corporation.

21 Sec. V. Be it further enacted, That all fines and penalties incurred by virtue of this
22 Act, or by any of said bye-laws, shall be recoverable ~~before any Justice of the Peace for the~~
23 ~~county of Stokes: Provided, nevertheless, that the right of appeal shall be preserved to either~~
24 ~~party, as is now by law established in trial before a Justice.~~ as provided by law.

25 Sec. VI. And be it further enacted, That this Act shall be in force from and after the
26 ratification thereof.

27 Sec. VII. (a) Until changed in accordance with law, the corporate limits of the Town
28 are:

29 A tract or parcel of land called the Town Lot of Bethany being a part of the big tract of
30 Wachovia which was surveyed for James Hutton gentl. in Jan. 1753, and conveyed in 19
31 several deeds duly registered in the Register's Office of the County of Rowan in Book
32 No. 6 page 6. Seqq. lying contiguous to the west line of the said tract on both sides of
33 Dorothea being the North Branch of Muddy Creek. Beginning at a Post Oak standing on
34 a hill in the West line of said Wachovia Tract running thence North 400 Poles to a Black
35 Oak the other side of the Tauber on Mill Creek, thence East crossing the said Tauber
36 Creek again 140 Poles to a Post on a steep Ridge thence North crossing the said Tauber
37 Creek again 243 1/2 P's to a Spain Oak the South West corner of Adam Wolf's thence
38 East crossing Dorothea or Muddy Creek 526 2/3 P's to a Post in John Schonmehls line
39 between black Jack and Post Oak Sapling thence South 651 1/2 P's to a Hickory grub
40 near two marked Black Oaks thence West 666 2/3 P's crossing Bethabara Road and
41 Muddy Creek or Dorothea to the Place of Beginning. Containing 2500 acres surveyed
42 the 26th of October 1771.

1 (b) The description in subsection (a) of this section is that of the Bethany Town
2 Lot shown on the Reuter Map of 1771.

3 Sec. VIII. The qualified voters of the Town shall elect the board of commissioners.
4 The mayor shall be selected by the board of commissioners from among its membership
5 to serve at its pleasure during that person's continuance as a member of the board of
6 commissioners.

7 Sec. IX. In 1997, five members of the Board of Commissioners shall be elected. The
8 three persons receiving the highest number of votes shall be elected for four-year terms,
9 and the two persons receiving the next highest number of votes shall be elected for two-
10 year terms. In 1999 and quadrennially thereafter, two members of the Board of
11 Commissioners shall be elected for four-year terms. In 2001 and quadrennially
12 thereafter, three members of the Board of Commissioners shall be elected for four-year
13 terms.

14 Sec. X. The Town officers shall be elected on a nonpartisan basis and the results
15 determined by the plurality method as provided by G.S. 163-292.

16 Sec. XI. The mayor has the right to vote on all matters before the Board of
17 Commissioners, but may not break a tie vote if the mayor participated in the vote."

18 Section 2. (a) From and after the effective date of this act, the citizens and
19 property in the Town of Bethania shall be subject to municipal taxes levied for the year
20 beginning July 1, 1997, and for that purpose the Town shall obtain from Forsyth County
21 a record of property in the area herein incorporated which was listed for taxes as of
22 January 1, 1997; and the businesses in the Town shall be liable for privilege license tax
23 from the effective date of the privilege license tax ordinance.

24 (b) If the effective date of this act is before July 1, 1997, the Town may
25 adopt a budget ordinance for fiscal year 1996-97 without following the timetable in the
26 Local Government Budget and Fiscal Control Act, but shall follow the sequence of
27 actions in the spirit of the act insofar as is practical. The Town may adopt a budget
28 ordinance for fiscal year 1997-98 without following the timetable in the Local
29 Government Budget and Fiscal Control Act, but shall follow the sequence of actions in
30 the spirit of the act insofar as is practical. For fiscal year 1997-98, ad valorem taxes may
31 be paid at par or face amount within 90 days of adoption of the budget ordinance, and
32 thereafter in accordance with the schedule in G.S. 105-360 as if the taxes had been due
33 and payable on September 1, 1997.

34 Section 3. Chapter 74 of the Session Laws of 1995 is repealed.

35 Section 4. This act is effective when it becomes law.