

NORTH CAROLINA GENERAL ASSEMBLY
1959 SESSION

CHAPTER 343
HOUSE BILL 475

AN ACT TO INCORPORATE THE TOWN OF CHOCOWINITY IN BEAUFORT
COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The inhabitants of the Town of Chocowinity in Beaufort County, within the boundaries hereinafter established, are hereby incorporated under the name of the Town of Chocowinity, subject to the provisions of Section 8 of this Act, and the said town is hereby created a body politic and corporate and shall hereinafter possess all the corporate powers and be subject to all the provisions contained in Chapter 160 of the General Statutes of North Carolina and other general laws of the State relating to cities and towns, and all such provisions that are not inconsistent with this Act are hereby made a part of the charter of the Town of Chocowinity as herein incorporated.

Sec. 2. The boundaries and corporate limits of the Town of Chocowinity shall be as follows:

BEGINNING at the intersection of the northern or eastern edge of Bragaw Lane with the southern edge of U. S. Highway No. 17, and running southwardly with the East side of Bragaw Lane about 4400 feet to N. C. Highway No. 33, the Aurora Road; thence southwestwardly and at right angles to said road, to a point 300 feet from the southern right of way of said Highway No. 33; thence westwardly parallel to said highway and 300 feet therefrom 2800 feet more or less to a point 300 feet East of Walhurst Avenue; thence southwestwardly parallel to Walhurst Avenue and the same course continued 1160 feet more or less to Maple Branch; thence westwardly up said branch to the ditch immediately South of the Highway Patrol Office; thence along said ditch to U. S. Highway No. 17; thence westwardly and at right angles to said Highway No. 17 to a point 300 feet from the western right of way; thence northeastwardly parallel to said highway and 300 feet therefrom, 1250 feet more or less to a point 300 feet South of Highway U. S. No. 264; thence westwardly parallel to said highway and 300 feet therefrom 3600 feet more or less to a point 35 feet West of Mills Potato House (a concrete block structure); thence northeastwardly and at right angles to said U. S. Highway No. 264, 660 feet to a point; thence eastwardly parallel to said highway to a point 300 feet West of Moore Avenue; thence northeastwardly parallel to said avenue 300 feet therefrom 2880 feet to a point that a line 300 feet North of Patrick Lane and parallel thereto will intersect; thence southeastwardly to and along said lane and 300 feet therefrom 3000 feet more or less to a ditch which forms the western property line of the J. B. Patrick Subdivision; thence northwardly along said ditch 500 feet to the North

side of North Drive; thence southeastwardly along the North side of said drive or street 800 feet to the western right of way of U. S. Highway No. 17; thence northeastwardly along said highway 850 feet to a point opposite the North side of Bragaw Lane thence eastwardly 60 feet to the point of BEGINNING.

Sec. 3. (a) The governing body of the Town of Chocowinity shall consist of a mayor and four town commissioners.

(b) At the special election to be held in the Town of Chocowinity on the third Saturday in June, 1959, or as soon thereafter as practicable, there shall be elected a mayor and four town commissioners. At said election the four candidates for commissioners receiving the highest number of votes shall be elected and shall serve for terms of two years each. Members of the board of commissioners shall serve until their successors are elected and qualified. The candidate for mayor at said election receiving the highest number of votes shall be declared elected and shall serve for a term of two years until his successor is duly elected and qualified. The mayor and town commissioners shall serve without compensation.

(c) Any person desiring to become a candidate for the office of mayor or town commissioner, shall, at least ten days before the election, file with the County Board of Elections a statement of such candidacy. Each candidate for the office of mayor shall at the time pay to said board the sum of five dollars (\$5.00). Candidates for town commissioners shall pay to said board the sum of two dollars and fifty cents (\$2.50).

(d) Vacancies on the board of town commissioners for any cause shall be filled by the board for the unexpired terms. In case of a vacancy in the office of mayor for any cause, the town commissioners shall appoint a successor for the unexpired term.

(e) Persons qualified and eligible to vote in the election for town officers shall be those persons who reside within the corporate limits of the Town of Chocowinity as set forth in this Act and are more than 21 years of age.

(f) The Beaufort County Board of Elections shall call and hold for said town a special election for the election of the first town officers and said election shall be held under the supervision of the County Board of Elections.

(g) The persons elected mayor and town commissioners in the special election shall take office one week following their election and shall hold said offices until July 1, 1961. At the general municipal election to be held in May, 1961, and biennially thereafter those elected mayor and town commissioners shall take office on the first day of July following their election. All subsequent elections shall be held in accordance with the provisions of Article 3 of Chapter 160 of the General Statutes.

Sec. 4. The town commissioners may appoint a town constable and such other police officers as may be necessary to enforce town ordinances, regulations and the laws of the State. The constable and such police officers as may be appointed shall serve at the pleasure of the town commissioners and shall receive such compensation as shall be authorized by said commissioners.

Sec. 5. The town commissioners shall appoint a town clerk, who shall also be the tax collector for said town to serve at the pleasure of the town commissioners. The town clerk shall be required to make bond as tax collector in such a manner as

determined by the town commissioners. The town clerk shall receive such salary or compensation as shall be determined by the town commissioners for the performance of his duties as town clerk and tax collector.

Sec. 6. The Town of Chocowinity shall be authorized to share with the county in any profits which may be derived from any A.B.C. store which may be situated in the said town, according to the formula and standards used by the Beaufort County Board of Commissioners.

Sec. 7. The Town of Chocowinity as incorporated under the provisions of this Act shall possess all of the corporate powers authorized under Chapter 160 of the General Statutes.

Sec. 8. (a) For the purpose of determining the question of incorporation, the Beaufort County Board of Elections shall call and hold for the Town of Chocowinity at its expense a special election to determine whether the town shall be incorporated as herein provided. The County Board of Elections shall hold said election on the third Saturday in May, 1959, or as soon thereafter as practicable. The said Board of Elections shall make all the necessary provisions for the holding and conducting of the election, including the canvassing of the returns and the declaration of the result of said election. The call for said election shall be published in some newspaper in Beaufort County and preferably in a newspaper published in the Town of Chocowinity for the period of once a week for four successive weeks prior to said election.

(b) The persons qualified and eligible to vote in said election shall be those persons who reside within the proposed corporate limits of the town and are more than 21 years of age.

(c) The County Board of Elections shall cause the registration books to be open on the first Saturday in May, 1959, or two weeks prior to the election, for the registration of those persons qualified to vote in said election. The registration books shall be kept open at the polling places during registration hours for the inspection of those voting in said election, and any registered qualified voter shall be allowed to challenge the name of any person appearing on said books.

(d) At such special election the qualified voters who present themselves to the election officials at the respective voting places shall be furnished with ballots upon which shall be written or printed the words "For incorporation" and "Against incorporation". If at such special election a majority of the votes cast shall be "For incorporation", then from and thereafter the Town of Chocowinity shall be incorporated as provided in this Act.

Sec. 9. If at the special election for the incorporation of the Town of Chocowinity, as herein provided, a majority of the votes cast shall be "Against incorporation", this Act shall be null and void.

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

Sec. 11. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 23rd day of April, 1959.