

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2005**

**H**

**1**

**HOUSE BILL 946**

Short Title: Ossipee Budget.

(Local)

---

Sponsors: Representatives Allred; and Bordsen.

---

Referred to: Local Government II.

---

March 29, 2005

A BILL TO BE ENTITLED

1 AN ACT TO ALLOW THE TOWN OF OSSIPEE TO AMEND ITS BUDGET  
2 ORDINANCES FOR THE 2002-2003 AND 2003-2004 FISCAL YEARS TO  
3 SHOW CONFORMANCE WITH G.S. 136-41.2.  
4

5 Whereas, G.S. 136-41.2, as amended by S.L. 1999-458, provides that for  
6 municipalities incorporated with an effective date of on or after January 1, 2000, certain  
7 shared revenues are available to the municipality only if it has adopted a budget  
8 ordinance showing that funds have been appropriated for at least four of the following  
9 municipal services: (i) police protection; (ii) fire protection; (iii) solid waste collection  
10 or disposal; (iv) water distribution; (v) street maintenance; (vi) street construction or  
11 right-of-way acquisition; (vii) street lighting; and (viii) zoning; and

12 Whereas, The Town of Ossipee was incorporated by S.L. 2002-137 effective  
13 when the results of the incorporation referendum were certified following the 2002  
14 general election; and

15 Whereas, the municipal incorporation petition submitted under G.S. 120-163  
16 stated in accordance with G.S. 120-163(c) that the municipality would offer four of the  
17 services listed above no later than the first day of the third fiscal year following the  
18 effective date of the incorporation; and

19 Whereas, the requirement for expenditures by the third fiscal year was also  
20 contained in S.L. 1999-458; and

21 Whereas, the town believed that the two different parts of S.L. 1999-458 were  
22 intended to allow new municipalities a period of time to receive funds as it was  
23 establishing the services; and

24 Whereas, the Town of Ossipee actually expended funds for those four  
25 services, the sum of \$4,320 for fire protection as a contractual payment to the  
26 Altamahaw-Ossipee Fire Department, appropriations for water distribution under  
27 Sections 3 and 4 of its budget ordinance, and \$1,800 appropriated in the budget  
28 ordinance for "Planning and Zoning Board", to be used to pay a consultant to begin the  
29 process of adopting a zoning ordinance; and

1           Whereas, the 2002-2003 and 2003-2004 budget ordinances showed a line  
2 item for "Environmental Protection" with a zero for the amount, but in fact in the 2002-  
3 2003 and 2003-2004 fiscal years expended funds for legal and administrative purposes  
4 related to preparing to provide solid waste collection or disposal; and

5           Whereas, the town clearly expended funds for those four categories, but did  
6 not itemize them in the budget ordinance in the format strictly required; and

7           Whereas, S.L. 1999-458 appeared to allow the town three years in any case;  
8 Now, therefore,

9 The General Assembly of North Carolina enacts:

10           **SECTION 1.** The Town of Ossipee shall, upon amending its budget  
11 ordinances for the 2002-2003 and 2003-2004 fiscal years to reflect actual expenditures  
12 by the town in preparing to provide solid waste collection or disposal, be considered to  
13 have complied with the provisions of G.S. 136-41.2 for those two fiscal years.

14           **SECTION 2.** This act is effective when it becomes law.