

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

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HOUSE BILL 1640
Committee Substitute Favorable 7/31/02

Short Title: Town of Duck Watercraft and Beautification.

(Local)

Sponsors:

Referred to:

June 13, 2002

A BILL TO BE ENTITLED

1
2 AN ACT TO INCLUDE THE TOWN OF DUCK AS A MUNICIPALITY
3 AUTHORIZED TO REGULATE AND CONTROL SWIMMING, PERSONAL
4 WATERCRAFT, SURFING, AND LITTERING IN THE ATLANTIC OCEAN
5 AND OTHER WATERWAYS ADJACENT TO THAT PORTION OF THE TOWN
6 WITHIN ITS BOUNDARIES OR WITHIN ITS EXTRATERRITORIAL
7 JURISDICTION AND TO DESIGNATE THE TOWN COUNCIL OF THE TOWN
8 OF DUCK AS THE GOVERNING BODY OF THE DUCK AREA
9 BEAUTIFICATION DISTRICT.

10 The General Assembly of North Carolina enacts:

11 **SECTION 1.** G.S. 160A-176.2(b) reads as rewritten:

12 "(b) Subsection (a) of this section applies to the Towns of Atlantic Beach, Cape
13 Carteret, Carolina Beach, Caswell Beach, Duck, Emerald Isle, Holden Beach, Kill Devil
14 Hills, Kitty Hawk, Long Beach, Manteo, Nags Head, Ocean Isle Beach, Southern
15 Shores, Sunset Beach, Topsail Beach, Wrightsville Beach, and Yaupon Beach, and the
16 City of Southport only."

17 **SECTION 2.** Section 4 of Chapter 991 of the 1983 Session Laws, Regular
18 Session 1984, reads as rewritten:

19 "Sec. 4. District Established; Tax Levy. If a majority of the qualified voters voting
20 in an election called under Section 1 of this act vote in favor of creating the Duck Area
21 Beautification District and authorizing the levy and collection of an ad valorem tax in
22 the district, the Dare County Board of Commissioners shall, upon receipt of a certified
23 copy of the election results, adopt a resolution creating the Duck Area Beautification
24 District and shall file a copy of the resolution with the clerk of superior court of Dare
25 County. ~~Upon establishing the Duck Area Beautification District, the Dare County~~
26 ~~Board of Commissioners~~ The Town Council of the Town of Duck may annually levy an
27 ad valorem tax on all taxable property in the district in an amount the board considers
28 necessary to provide for the installation of underground power lines, not to exceed ten
29 cents (10¢) for each one hundred dollars (\$100.00) taxable valuation of property. The

1 proceeds of this tax shall be used only to provide for the underground installation of
2 power lines in the district."

3 **SECTION 3.** Section 5 of Chapter 991 of the 1983 Session Laws, Regular
4 Session 1984, reads as rewritten:

5 "Sec. 5. Nature of District; Governing Body. If created, the Duck Area
6 Beautification District shall be a body politic and corporate and shall have the power to
7 provide for the installation of underground power lines and do all acts reasonably
8 necessary to fulfill this purpose. The ~~Dare County Board of Commissioners~~ Town
9 Council of the Town of Duck shall serve, ex officio, as the governing body of the
10 district, and the officers of the board of county commissioners shall likewise serve as
11 the officers of the governing body of the district. A simple majority of the governing
12 body constitutes a quorum, and approval by a majority of those present is sufficient to
13 determine any matter before the governing body, if a quorum is present."

14 **SECTION 4.** Section 4 of S.L. 1993-610 reads as rewritten:

15 "Sec. 4. Governing Body. – All matters relative to the construction and maintenance
16 of the sidewalks shall be decided by the ~~Dare County Board of Commissioners~~ Town
17 Council of the Town of Duck, which is the governing body of the Duck Area
18 Beautification District as provided in Chapter 991 of the 1983 Session Laws."

19 **SECTION 5.** Any Duck Area Beautification District tax levied by the Dare
20 County Board of Commissioners pursuant to Chapter 991 of the 1983 Session Laws,
21 Regular Session 1984, for the 2002 and prior tax years shall continue to be valid on and
22 after the effective date of this act.

23 **SECTION 6.** Sections 2 through 5 of this act become effective January 1,
24 2003. The remainder of this act is effective when it becomes law.