

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011**

**HOUSE BILL 292
RATIFIED BILL**

AN ACT TO INCORPORATE THE TOWN OF ROUGEMONT, SUBJECT TO A REFERENDUM.

The General Assembly of North Carolina enacts:

SECTION 1. A Charter for the Town of Rougemont is enacted to read:

"CHARTER OF THE TOWN OF ROUGEMONT.

"ARTICLE I. INCORPORATION AND CORPORATE POWERS.

"Section 1.1. **Incorporation and Corporate Powers.** The inhabitants of the Town of Rougemont are a body corporate politic under the name 'Town of Rougemont.' Under that name they shall have all the powers, duties, rights, privileges, and immunities conferred and imposed on cities by the general law 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 Rougemont are as follows:

Beginning at the intersection of the Flat River and Red Mountain Road, thence in an easterly direction following the Flat River north and west to the northeast corner of PIN 190702, thence in a southerly direction along the eastern boundary of aforementioned parcel, thence in a westerly direction along the southern boundary of aforementioned parcel, thence in a northerly direction along the eastern boundary of PIN 190703, thence in a westerly direction along the northern boundaries of aforementioned parcel and PIN 190701 to the eastern boundary of PIN 196596, thence in a northerly direction along the western boundary of PIN 190700, thence in an easterly direction along the northern boundary of aforementioned property to the Flat River, thence in a northerly, westerly, and southwesterly direction following the Flat River to the northeast corner of PIN 190725, thence in a southerly direction along the eastern boundary of aforementioned parcel, thence in a westerly direction following Bowen Road to its intersection with Moore's Mill Road, thence in a southerly direction along Moore's Mill Road to the northeast corner of PIN 190584, thence in a westerly direction along the northern boundary of aforementioned parcel, thence in a southerly direction along the western boundary of aforementioned parcel, thence in a westerly direction along the southern boundary of PIN 190585, thence in a northerly direction along the western boundaries of PIN 190585, PIN 190586, PIN 190717, PIN 190715, PIN 190714, PIN 190712, and PIN 190713 to the Durham/Person County line, thence in a westerly direction following the Durham/Person County line to the northwest corner of PIN 190783, thence in a southerly direction along the western boundaries of PIN 190783, PIN 190784, PIN 190785, PIN 190786, PIN 190787, and PIN 190788, thence in a westerly direction and along the northern boundaries of PIN 190788 and PIN 190803, thence in a southerly direction along the eastern boundary of PIN 189591 to the northwest corner of PIN 189592, thence in an easterly direction along the northern boundary of PIN 189592, thence in a southerly direction along the eastern boundary of aforementioned parcel, thence in a westerly direction along the southern boundary of aforementioned parcel to PIN 189593, thence in a southerly direction along the eastern boundary of PIN 189593, thence in a westerly direction along the southern boundary of PIN 189593 to the northwest corner of PIN 190804, thence in an easterly direction along the northern boundary of aforementioned property, thence in a southerly direction along the eastern boundary of aforementioned property, thence in a westerly direction along the southern boundary of aforementioned property, thence in a northwesterly direction along the western boundary of aforementioned property and the eastern boundary of PIN 190768, thence in a westerly direction along the southern boundary of PIN 189593 to Equestrian Chase, thence in a southerly direction along the western boundary of Equestrian Chase to the southeastern



boundary of PIN 190812, thence in a southwesterly direction along the eastern boundary of aforementioned property, thence in a northerly direction along the western boundary of aforementioned property and PIN 189595 and continuing northerly along the western boundary of PIN 189594 to PIN 189599, thence in an easterly direction along the southern boundary of aforementioned parcel, thence in a northerly direction along the eastern boundary of aforementioned parcel, thence in a westerly direction along the northern boundary of aforementioned parcel, thence in a northerly direction along the western boundaries of PIN 189590 and PIN 189589 to Harris Mill Road, thence in a northerly direction along the eastern boundary of the Norfolk Southern Railroad right-of-way to the Durham/Person County line, thence in a westerly direction along the Durham/Person County line to the western right-of-way of U.S. Highway 501, thence in a southerly direction along the western right-of-way of U.S. Highway 501 to PIN 189580, thence in an easterly direction along the southern boundary of PIN 189580 to the northwest corner of PIN 189542, thence in a southerly direction along the western boundary of PIN 189542, thence in an easterly direction along the southern boundary of aforementioned parcel to the western boundary of right-of-way of U.S. Highway 501, thence in a southerly direction along the western boundary of U.S. Highway 501 right-of-way to the northeast corner of PIN 189662, thence in a westerly direction along the northern boundary of PIN 189662, thence in an easterly direction along the southern boundary of aforementioned parcel to the western boundary of the U.S. Highway 501 right-of-way, thence in a southerly direction along the western boundary of U.S. Highway 501 right-of-way to northeast corner of PIN 189657, thence in a southwesterly direction along the northern boundary of aforementioned parcel, thence in a southeasterly direction along the western boundary of aforementioned parcel, thence in a westerly direction along the northern boundary of PIN 189656, thence in a southerly direction along the western boundaries of PIN 189656 and PIN 189655, thence in a westerly direction along the northern boundaries of PIN 189654 and PIN 189636, thence in a southerly direction along the western boundary of PIN 189636, thence in a westerly direction along the northern boundary of PIN 189653, thence in a northwesterly direction along the eastern boundary of PIN 189665, thence in a westerly direction along the northern boundary of aforementioned parcel, thence in a southerly direction along the western boundary of aforementioned parcel to the northern right-of-way of Bacon Road, thence in a westerly direction along the northern right-of-way of Bacon Road to the intersection of the southern section (between Bacon Road and Bill Poole Road) of Chambers Road, thence in a southerly direction along the western boundary of the right-of-way of Chambers Road to the northeast corner of PIN 189521, thence in a westerly direction along the northern boundary of the aforementioned parcel, thence in a southerly direction along the western boundary of aforementioned parcel, thence in an easterly direction along the southern boundary of aforementioned parcel to the western boundary of the Chambers Road right-of-way, thence in a southerly direction along the western boundary of the Chambers Road right-of-way to the northeast corner of PIN 189519, thence in a westerly direction along the northern boundary of the aforementioned parcel, thence in a southerly direction along the western boundary of aforementioned parcel, thence in a westerly direction along the northern boundary of PIN 189517, thence in a southerly direction along the western boundary of aforementioned parcel, thence in an easterly direction along the southern boundary of aforementioned parcel to the western boundary of the Chambers Road right-of-way, thence in a southerly direction along the western boundary of the Chambers Road right-of-way to the northeast corner of PIN 189515, thence in a westerly direction along the northern boundary of aforementioned parcel, thence in a southerly direction along the eastern boundary of PIN 189511 to the northern boundary of the Cothran Road right-of-way, thence in a westerly direction along the northern boundary of the Cothran Road right-of-way to the southeast corner of PIN 189507, thence in a northerly direction along the eastern boundary of aforementioned parcel, thence in a westerly direction along the northern boundary of aforementioned parcel, thence in a southerly direction along the western boundary of aforementioned parcel and PIN 189484, thence in an easterly direction along the southern boundary of PIN 189484, thence in a southerly direction along the western boundaries of PIN 189483, PIN 189488, and PIN 189489 to the northern boundary of the Bill Poole Road right-of-way, thence in a southwesterly direction along the northern boundary of the Bill Poole Road right-of-way to its intersection with Rougemont Road, thence in a southerly direction along the western boundary of the Rougemont Road right-of-way to the southwest corner of PIN 189890, thence in an easterly direction along the southern boundary of aforementioned parcel, thence in a northerly direction along the eastern boundary of

above-mentioned parcel, thence in an easterly direction along the southern boundary of PIN 189498, thence in a southeasterly direction along the western boundary of PIN 189494, thence in an easterly direction along the southern boundary of above-mentioned parcel, thence in a northerly direction along the eastern boundaries of above-mentioned parcel and PIN 189493, thence in an easterly direction along the southern boundaries of PIN 189885 and PIN 189886 to the western boundary of the Harris Road right-of-way, thence in a northerly direction along the western boundary of the right-of-way of Harris Road to the northern boundary of the Bill Poole Road right-of-way, thence in a northeasterly direction along the northern right-of-way of Bill Poole Road to the southeastern corner of PIN 189884, thence in a northwesterly direction along the eastern boundary of above-mentioned parcel, thence in a southwesterly direction along the northern boundaries of above-mentioned parcel to PIN 189879, thence in a northwesterly direction along the eastern boundary of above-mentioned parcel, thence in a northerly direction along the western boundary of PIN 189848, thence in an easterly direction along the northern boundary of above-mentioned parcel, thence in a southerly direction along the eastern boundary of above-mentioned parcel, thence in a southwesterly direction along the northwest boundary of PIN 197183, thence in a southeasterly direction along the southwest boundary of above-mentioned parcel and crossing Bill Poole Road, thence in a westerly direction along the southern right-of-way of Bill Poole Road to the western boundary of PIN 189847, thence in a southerly direction along the western boundary of above-mentioned parcel, thence in an easterly direction along the southern boundary of above-mentioned parcel and continuing in an easterly direction along the southern boundaries of parcels through PIN 189831 to the northwest corner of PIN 189830, thence in a southerly direction along the western boundary of above-mentioned parcel, thence in an easterly direction along the southern boundary of above-mentioned parcel to the western right-of-way of U.S. Highway 501, thence in a southerly direction along the western boundary of the U.S. Highway 501 right-of-way to PIN 189824, thence in a westerly direction along the northern boundary of above-mentioned parcel, thence in a southerly direction along the eastern boundaries of PIN 189834, PIN 189835, and PIN 189867, thence in a southeasterly direction along the northern boundary of PIN 190517, thence in a southeasterly direction along the southwest boundary of PIN 190513, thence in a northeasterly direction along the southeast boundary of above-mentioned parcel to the western right-of-way of U.S. Highway 501, thence crossing U.S. Highway 501 and continuing along the southeastern boundary of PIN 190530, thence in a northwesterly direction along the northeast boundary of above-mentioned parcel, thence in a southwesterly direction along the northwestern boundary of above-mentioned parcel to the northeastern boundary of the U.S. Highway 501 right-of-way, thence in a northwesterly and then northerly direction along the eastern right-of-way of U.S. Highway 501 to the southwestern corner of PIN 189820, thence in a northeasterly direction along the southeastern boundary of above-mentioned parcel to the western boundary of the Norfolk Southern Railroad right-of-way, thence in a southerly direction along the western boundary of the Norfolk Southern Railroad right-of-way to the southwest corner of PIN 189793, thence in an easterly direction along the southern boundary of above-mentioned parcel, thence in a southeasterly direction along the northeastern boundary of PIN 190625, thence in a southerly direction along the northeastern boundary of PIN 190512, thence in a southeasterly and then easterly direction along the northern boundary of above-mentioned parcel to the southeast corner of PIN 190645, thence in a northerly direction along the eastern boundary of above-mentioned parcel to the southern right-of-way of Lake Winds Trail, thence in an easterly direction along the southern right-of-way of Lake Winds Trail, thence in a southerly direction along the western boundary of PIN 190644, thence in an easterly direction along the southern boundary of above-mentioned parcel and continuing in an easterly direction to the western right-of-way of Moore's Mill Road, thence in a northerly direction crossing Lake Winds Trail to the northeast corner of PIN 190663, thence in a westerly direction along the northern boundary of above-mentioned parcel and continuing in a westerly direction to the northwest corner of PIN 190677, thence in a southerly direction along the western boundary of above-mentioned parcel to the northern right-of-way of Lake Winds Trail, thence in a westerly direction along the northern right-of-way of Lake Winds Trail to the southeastern corner of PIN 190665, thence in a northerly direction along the eastern boundary of above-mentioned parcel, thence in a westerly direction along the northern boundary of above-mentioned parcel and continuing to the northeastern boundary of PIN 190671, thence in a northerly direction and continuing to the northeast corner of PIN 190627 (located north of PIN 190628), thence in a westerly direction along the northern boundary of above-mentioned parcel and continuing in a

westerly direction to PIN 190697, thence in a northeasterly direction along the eastern boundary of aforementioned parcel, thence in a northwesterly direction along the northeastern boundary of aforementioned parcel, thence in a southwesterly direction along the northwestern boundary of aforementioned parcel, thence in a northwesterly direction along the eastern right-of-way of Lake Winds Trail, thence in a southwesterly direction crossing Lake Winds Trail and continuing to the northwest corner of PIN 190688, thence in a southeasterly direction along the western boundary of aforementioned parcel, thence in a westerly direction along the northern boundary of PIN 190627 (located west of PIN 190688) to the southeast corner of PIN 189793, thence in a northerly direction along the eastern boundary of aforementioned parcel and continuing to the southwest corner of PIN 190638, thence in an easterly direction along the southern boundary of aforementioned parcel and continuing in an easterly direction to the northwest corner of PIN 190629, thence in a southerly direction along the western boundary of aforementioned parcel, thence in an easterly direction along the southern boundary of aforementioned parcel to the western right-of-way of Moore's Mill Road, thence in a northerly direction along the western right-of-way of Moore's Mill Road to the northwest corner of PIN 190706, thence in an easterly direction along the northern boundary of aforementioned parcel, thence in a southerly direction along the eastern boundary of aforementioned parcel and continuing across Red Mountain Road along the western boundary of PIN 190587, thence in an easterly direction along the southern boundary of aforementioned parcel, thence in a northerly direction along the eastern boundary of aforementioned parcel, thence in an easterly direction along the southern boundary of PIN 190704 and continuing in an easterly direction to the Flat River, thence in a northerly and northeasterly direction along the Flat River to the bridge over the Flat River on Red Mountain Road. PIN 190576 and PIN 189728 are located within the contiguous outer boundaries of the Town of Rougemont, but are excluded from the corporate boundaries of the Town.

"ARTICLE III. GOVERNING BODY.

"Section 3.1. **Structure of Governing Body; Number of Members.** The governing body of the Town of Rougemont is the Town Council, which shall consist of a Mayor and four members.

"Section 3.2. **Manner of Electing Town Council.** The qualified voters of the entire Town shall elect the members of the Town Council and, except as provided in this section, they shall serve four-year terms. In 2011, the three candidates receiving the highest numbers of votes shall be elected to four-year terms and the two candidates receiving the next highest numbers of votes shall be elected to two-year terms. In 2013, and quadrennially thereafter, two members shall be elected to four-year terms. In 2015, and quadrennially thereafter, three members shall be elected to four-year terms.

"Section 3.3. **Manner of Electing Mayor; Term of Office; Duties.** At the organizational meeting following each municipal election, the Town Council shall elect one of its members as Mayor, and the Mayor shall serve at the pleasure of the Town Council. The Mayor shall be the official head of Town government, shall preside at all meetings of the Town Council, and shall exercise the powers and duties conferred by law or as directed by the Town Council.

"Section 3.4. **Residency Requirement.** Members of the governing body of the Town of Rougemont, whether elected or appointed, must be qualified voters who reside within the corporate limits of the Town in order to qualify to take, hold, and continue in office.

"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.

"Section 4.2. **Date of Election.** Elections shall be conducted in accordance with Chapter 163 of the General Statutes, with the first regular municipal election to be held on November 8, 2011.

"Section 4.3. **Special Elections and Referenda.** Special elections and referenda may be held only as provided by the general law of North Carolina, local acts of the General Assembly, or as provided for in this Charter.

"ARTICLE V. ADMINISTRATION.

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

"Section 5.2. **Town Attorney.** The Town Council shall appoint a Town Attorney licensed to practice law in North Carolina. It shall be the duty of the Town Attorney to represent the

Town, advise Town officials, and perform other duties as required by law or as directed by the Town Council.

"Section 5.3. **Town Clerk.** The Town Council shall appoint a Town Clerk who shall perform duties as required by law or as directed by the Town Council. The Town Clerk shall serve at the pleasure of the Town Council.

"Section 5.4. **Other Officers and Employees.** The Town Council may appoint other officers and positions as deemed appropriate, subject to the requirements of general law.

"Section 5.5. **Consolidation of Functions.** Where positions are not incompatible, the Town Council may combine in one person the powers and duties of two or more officers created or authorized by this Charter.

"Section 5.6. **Compensation for Mayor and Town Council Members.** The Mayor and members of the Town Council shall be reimbursed for ordinary and necessary expenses and may receive salary and honoraria only upon a majority vote of the qualified voters of the Town who vote on the question in a special referendum.

"ARTICLE VI. TAXES AND BUDGET ORDINANCE.

"Section 6.1. **Powers of the Town Council.** The Town Council may levy those taxes and fees authorized by general law. An affirmative vote equal to a majority of all the members of the Town Council shall be required to change the ad valorem tax from that rate established during the prior fiscal year.

"Section 6.2. **Commencement of Tax Collection.** From and after July 1, 2011, the citizens and property in the Town of Rougemont shall be subject to municipal taxes levied for the year beginning July 1, 2011, and for that purpose the Town shall obtain from Durham County a record of property in the area herein incorporated which was listed for property taxes as of January 1, 2011.

"Section 6.3. **Budget.** The Town may adopt a budget ordinance for fiscal year 2011-2012 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 2011-2012, ad valorem taxes may be paid at par or face amount within 90 days of the adoption of the budget ordinance and thereafter in accordance with the schedule in G.S. 105-360.

"Section 6.4. **Ad Valorem Taxes.** The Town Council shall not levy an ad valorem tax at a rate more than \$0.05/\$100.00 valuation, except for fire protection services, without the approval of the qualified voters of the Town of Rougemont. The election on the question of increasing the ad valorem tax rate shall be conducted in accordance with G.S. 160A-209.

"ARTICLE VII. ORDINANCES.

"Section 7.1. **Ordinances.** Except as otherwise provided in this Charter, the Town of Rougemont is authorized to adopt such ordinances as the Town Council deems necessary for the governance of the Town.

"ARTICLE VIII. MISCELLANEOUS.

"Section 8.1. **Enlargement of Town Council.** The qualified voters of the Town of Rougemont may seek to enlarge the number of members of the Town Council by submitting a petition to that effect signed by twenty percent (20%) of the qualified voters. Upon the passage of a resolution as provided in G.S. 160A-102 or upon receipt of a valid petition, the Town Council shall immediately take steps as provided in Part 4 of Article 5 of Chapter 160A of the General Statutes to determine by referendum whether the number of members of the Town Council should be increased. If a majority of the votes cast in the referendum are in the affirmative, a special election shall be held at the earliest possible date to elect the additional members required to enlarge the Town Council to the number set forth in the referendum.

"Section 8.2. **Amendments to Charter.** The Town Council may propose and enact amendments to this Charter in accordance with Part 4 of Article 5 of Chapter 160A of the General Statutes. No amendment to this Charter shall become effective until public notice is given and a public hearing is held to receive comments on the proposed Charter amendment. Notwithstanding G.S. 160A-103, upon receipt of a referendum petition bearing the signatures and residence addresses of twenty percent (20%) of the qualified voters of the Town, the Town Council shall submit ordinances adopted under G.S. 160A-102 to a vote of the people.

"Section 8.3. **Provision of Services and Administration of Functions.** The Town Council may enter into agreements with other governmental bodies and private enterprises for the provision of services and administration of corporate functions in order to provide the services and administer the functions in the most efficient and cost-effective manner.

"Section 8.4. **Conflict of Interest.** No person, or a member of the person's immediate family, who is employed by or is an official of the Town of Rougemont shall do business with the Town unless the Town Council specifically approves the activity. All appointed officials of the Town must inform the Town Council of any conflicts of interest and the failure to so inform shall constitute grounds for immediate dismissal for cause. No official of the Town may accept any gratuity from any business, person, or other official if the gratuity is related to his or her official duties.

"Section 8.5. **Nepotism.** No person who is an immediate family member of an elected official of the Town of Rougemont shall be appointed to or employed in a position within Town government unless the appointment or employment is approved by the entire Town Council.

"Section 8.6. **Annexation.** The Town of Rougemont shall not extend its boundaries into an adjoining county.

"Section 8.7. **Planning and Regulation of Development.** (a) Notwithstanding any other provision of this Charter or general law, including the provisions of Article 19 of Chapter 160A of the General Statutes, the Town shall not adopt any ordinance creating a planning agency, regulating or restricting the subdivision, zoning, or use of any land, or providing for building inspections. All planning duties, regulation of development, and building inspections within the jurisdiction of the Town shall be conducted as if the area was not in the corporate limits of any municipality.

(b) The provisions of subsection (a) of this section shall not apply if the County of Durham and the City of Durham, by amendment to their zoning ordinances, agree to allow the Town to adopt and enforce ordinances under Article 19 of Chapter 160A of the General Statutes.

"ARTICLE IX. SPECIAL PROVISIONS.

"Section 9.1. **Fire Protection.** The Town of Rougemont shall contract with the Bahama Volunteer Fire, Rescue, and EMS Company, Inc., to provide fire protection for the Town. The contract terms and amount paid by the Town of Rougemont to the Bahama Volunteer Fire, Rescue, and EMS Company, Inc., shall be mutually agreed upon and annually renewed by the Board of Directors of the Bahama Volunteer Fire, Rescue, EMS Company, Inc., and the Town Council.

"Section 9.2. **Safety Protection.** The Town of Rougemont shall contract with the Durham County Sheriff's Department to provide safety protection for the Town. The contract terms and amount paid by the Town of Rougemont to the Durham County Sheriff's Department shall be mutually agreed upon and annually renewed by the Durham County Commissioners and the Town Council."

SECTION 2. The Durham County Board of Elections shall conduct an election on November 8, 2011, for the purpose of submission to the qualified voters for the area described in Section 2.1 of the Charter of the Town of Rougemont the question of whether or not the area shall be incorporated as the Town of Rougemont. Registration for the election shall be conducted in accordance with G.S. 163-288.2.

SECTION 3. In the election, the question on the ballot shall be:

"[] FOR [] AGAINST

Incorporation of the Town of Rougemont."

SECTION 4. In the election, if a majority of the votes are cast "FOR Incorporation of the Town of Rougemont," Section 1 of this act shall become effective on the date that the Durham County Board of Elections certifies the results of the election. Otherwise, Section 1 of this act shall have no force and effect.

SECTION 5. At the same time as the election held under Section 2 of this act, the Durham County Board of Elections shall hold an election for the initial Town Council as provided in Articles III and IV of the proposed Charter of the Town of Rougemont. If the majority of votes is not cast "FOR Incorporation of the Town of Rougemont," the election of officers is null and void. The filing period for candidacies is the same as provided by G.S. 163-294.

SECTION 6. If the Charter of the Town of Rougemont, as enacted by Section 1 of this act, becomes effective, and the City of Durham and Durham County subsequently become a unified government under the provisions of any general or local law, the Town of Rougemont's Charter shall be repealed and the Town shall comply with any and all requirements prescribed by the North Carolina General Assembly to ensure that the unified government of the City of Durham and Durham County assume all the powers, duties,

functions, rights, privileges, and immunities authorized by general or local law over the area described in Section 2.1 of the Charter of the Town of Rougemont, as enacted by Section 1 of this act.

SECTION 7. This act is effective when it becomes law.

In the General Assembly read three times and ratified this the 9th day of June, 2011.

Walter H. Dalton
President of the Senate

Thom Tillis
Speaker of the House of Representatives