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AN ACT TO INCORPORATE THE TOWN OF KURE BEACH IN THE COUNTY OF NEW HANOVER, STATE OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. That the Town of Kure Beach in the County of New Hanover is hereby incorporated under the name and title of Kure Beach, and L. C. Kure, Ed Lewis and C. E. Danner, and their successors in office are hereby declared to be the governing body of the municipal corporation created by this Act, with succession during the corporate existence of Kure Beach, and shall be styled the Commissioners of the Town of Kure Beach.

Sec. 2. The Town of Kure Beach shall have all the rights, privileges, powers, immunities and liabilities which are conferred upon and are incident to incorporated cities and towns by virtue of the laws of the State of North Carolina, and all such as are created, limited, modified or extended by this Act; but whenever this Act shall be in conflict with or repugnant to the general laws of the State applicable to cities and towns, then this Act shall govern and control in so far as the rights, privileges, powers, immunities and liabilities of the Town of Kure Beach are concerned.

Sec. 3. That the corporate limits of said town shall be as follows:

Beginning at a stone at low water mark of the Atlantic Ocean, said stone being the dividing point between the limits of the development in Federal Point Township, County of New Hanover and State of North Carolina, known as Fort Fisher Sea Beach, and the lands owned and occupied by Ethyl-Dow Chemical Company; running thence from said beginning point with the Ethyl-Dow Chemical Company line North 86 degrees 19 minutes West about 1100 feet to a stone Ethyl-Dow Chemical Company corner; thence in a southwestwardly direction with the Ethyl-Dow Chemical Company line about 1300 feet to a stone, another Ethyl-Dow Chemical Company corner; thence with said

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Ethyl-Dow Chemical Company line North 86 degrees 19 minutes West about 1250 feet to a stone, another Ethyl-Dow Chemical Company corner, said stone being in the western line of Ninth Avenue of the plan of Fort Fisher Sea Beach; thence in a southwestwardly direction, with and along the western line of Ninth Avenue about 710 feet to a stone, said stone marking the southwest corner of the lands of the Ethyl-Dow Chemical Company and the southeast corner of a tract of land owned by J. L. Kure; thence North 86 degrees 19 minutes West along and with the dividing line between the lands of the Ethyl-Dow Chemical Company and J. L. Kure 2027.7 feet to a stone in the edge of the Cape Fear River; thence in a southwestwardly direction along and with the said eastern edge of the Cape Fear River about 1400 feet to a stone, L. C. Kure's southern line; thence with said Kure's southern line South 86 degrees 19 minutes East about 2750 feet to a stone, said stone being about 40 feet East of the eastern line of Eighth Avenue, plan of Fort Fisher Sea Beach; thence southwardly and parallel with Avenue "H" of said plan, about 703 feet to the western line of Fifth Avenue; thence southwestwardly and parallel with and along the western line of Fifth Avenue about 1640 feet to the southern line of Avenue "E"; thence southeastwardly with and along the southern line of Avenue "E"; about 1060 feet to low water mark of the Atlantic Ocean, and thence in a northeastwardly direction with and along said low water mark of the Atlantic Ocean to the point of beginning.

Sec. 4. The officers of said corporation shall consist of a commissioner of finance, a commissioner of public works, and a commissioner of public safety, who shall also serve as mayor, and such other officers as the commissioners may elect; and L. C. Kure, Ed Lewis and C. E. Danner are named as commissioners under this Act with authority to organize the town government and conduct the same under the provisions of this Act, and the laws of the State of

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North Carolina governing municipal corporations, until their successors are duly elected and qualified. All owners of lots within the town limits and all bona fide residents of said town shall have the right to vote in any election held under this Act, and shall be denominated a qualified voter, and shall have the right to vote in any election as in this Act and by the laws of the State of North Carolina provided.

Sec. 5. Mayor. The mayor shall be the chief executive officer of the town, and, subject to the supervision of the board of commissioners, shall perform all duties pertaining to such office. He shall do and perform all duties provided or prescribed by law or by the ordinances of the town, not expressly delegated to any other person. He shall have general supervision and oversight over the departments and offices of the town government and shall be the chief representative of the town and shall report to the board any failure on the part of any of the officers of his or any other department to perform their duties, and shall preside at all meetings of the board of commissioners. He shall sign all contracts on behalf of the town, unless otherwise provided by law or ordinance or resolution of the board of commissioners; he shall have charge of, and cause to be prepared and published, all statements and reports required by law or ordinance or by resolution of the board of commissioners.

Sec. 6. Commissioner of Finance. The commissioner of finance shall be the purchasing agent of the board of commissioners of the town and all property, supplies, and material of every kind whatsoever shall, upon the order of the board of commissioners, be purchased by him, and when so purchased by him the bills therefor shall be submitted to and approved by the board of commissioners before warrants are issued therefor; when such warrants are issued they shall be signed by the said commissioner and countersigned by some other person designated by the board of commissioners; he shall

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be collector of all taxes; he shall collect all water rents; he shall issue license or permits as provided by law, ordinance or resolution adopted by the board of commissioners, or in the absence or inability of any commissioner to act he shall exercise temporary supervision over the department assigned to the said commissioner, subject, however, to the power of the board of commissioners to substitute some one else temporarily to perform any of such duties; he shall have control of all employees not by law, ordinance or resolution of the board of commissioners apportioned or assigned to some other department; he shall have charge of and supervision over all accounts and records of the town, and accounts of all officers, agents, and departments required by law or by the board of commissioners to be kept or made; he shall regularly at least once in three (3) months inspect or superintend inspection of all records or accounts required to be kept in any of the offices or departments of the city, and shall cause proper accounts and records to be kept, and proper reports to be made, and shall, acting for the board of commissioners, audit or cause to be audited by an expert accountant, if he deems it necessary, annually, the accounts of every officer or employee who does or may receive or disburse money, and he shall publish or cause to be published annually statements showing the financial condition of the town, he shall examine or cause to be examined all accounts, payrolls, and claims before they are acted on or allowed unless otherwise provided by law or by order of the board of commissioners; he shall collect all license fees, franchise taxes, rentals, and other moneys which may be due or become due to the town; he shall report the failure on the part of any person, firm or corporation to pay money due the town, he shall report to the board of commissioners any failure on the part of any person, firm or corporation to make such reports as are required by law, ordinance or order of the board of commissioners to be made, and

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shall make such recommendations with reference thereto as he may deem proper. The assessor, auditor, town clerk, town attorney, and their respective officers or departments, and all employees therein, and all bookkeepers and accountants, are apportioned and assigned to the department of finance and shall be under the direction and supervision of the commissioner thereof. He shall do and perform any and all other services ordered by the board not herein expressly conferred upon some other department.

Sec. 7. Commissioner of Public Works. The commissioner of public works shall have authority and charge over all the public works not herein expressly given to some other department; the construction, cleansing, and repair of the streets and public places, the erection of buildings for the town, making and construction of all other improvements, paving, curbing, sidewalks, bridges, viaducts, and the repair thereof; he shall approve all estimates of the town engineer of the cost of public works, and recommend to the board of commissioners the acceptance of the work done or improvement made, when completed according to contract, and perform such other duties with reference to such other matters as may be required by law, ordinance or order of the board of commissioners; he shall have control, management, and direction of all public grounds, bridges, viaducts, subways and buildings not otherwise assigned herein to some other department; he shall have supervision of the enforcement of the provisions of law and the ordinances relating to streets, public squares and places, and the control of the placing of billboards and street waste paper receptacles; he shall have supervision over the public-service utilities not otherwise assigned to some other department and all persons, firms or corporations rendering service in the town or State, not otherwise assigned to some other department; he shall have control of the location of electric power lines, gas mains, telephone and telegraph wires, and all other things placed by public-service corporations in, along, under or over the

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streets, and shall report to the board of commissioners of city officers as may be appointed by them to receive his reports any failure of such person or corporation to render proper service under a franchise granted by the city or State, and shall report any failure on the part of such firm, or corporation to observe the requirements or conditions of such franchise, contract or grant. He shall act for the town, subject to the control of the board of commissioners, in securing all rights of way and easements connected with and necessary to the supply of water for the town; he shall have supervision and control of all buildings, grounds, and apparatus connected therewith and incident to the furnishing of water for the town; he shall superintend the erection of water tanks and laying of water lines and the operation thereof. He shall have control and supervision over the sewer system; he shall have charge and control over the sewer inspectors and all other officers and employees of the department of sewers. The department of the town engineer and all employees therein, the department of streets, parks, buildings, and all employees in said department, shall be under the control of the commissioner of public works. The said commissioner shall have supervision and control, and it shall be his duty to keep in good condition the streets, and public parks in the town or belonging to the town, subject to the supervision and control of the board of commissioner he shall do and perform all other services ordered by the board, or that may be ordered by the board, not herein expressly conferred upon some other department.

Sec. 8. Commissioner of Public Safety. The commissioner of public safety (who is also mayor) shall have charge of the police force, subject to the supervision and control of the board of commissioners, and shall have power to temporarily supplant the chief of police and take charge of the department, and shall at all times have power to give direction to the officers and employees in the police department, and his direction shall be binding upon all such

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officers and employees; subject to the control of the board of commissioners only; he shall have charge of the police stations, jails, and property and apparatus connected therewith; he shall have charge of the electrical inspector, plumbing inspector, building inspector, market-house and the employees connected therewith; and all apparatus and property used therein; he shall have charge and supervision and direction over all officers and employees in his department; he shall be charged with the duty of enforcing all ordinances and resolutions relating to traffic in the public streets, alleys and public ways, on and across railway lines and through and over public parks and other public places; he shall, to the extent that the same is now committed to or required of said town, subject to the board of health of the county and town, and subject to all ordinances, rules and regulations of the said board, have charge of the enforcement of all matters relating to health and sanitation within the town, except as may be in this Act otherwise prescribed. He shall be authorized to enter upon private premises for the purpose of discharging the duties hereby imposed upon him, but shall not have the right to enter a dwelling house over objection of the owner or tenant except when authorized.

Sec. 9. It shall be the duty of each commissioner to recommend to the town purchasing agent the purchase of goods and the contract for all things necessary to be contracted for in his department, and these recommendations shall be submitted to the board of commissioners for its order with respect thereto.

Sec. 10. The board of commissioners has and shall exercise all legislative powers, functions and duties conferred upon the town or its officers. It shall make all orders for the doing of work or the making or construction of any improvements, bridges or buildings. It shall levy all taxes, apportion and appropriate all funds, audit and allow all bills and accounts, payrolls and claims, and order

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payment thereof. It shall make all assessments for the cost of street improvements, side walks, sewers, and other work, improvements, or repairs which may be specially assessed. It shall make or authorize the making of all contracts and no contracts shall bind or be obligatory upon the town unless either made by ordinance or resolution adopted by the board of commissioners or reduced to writing and approved by said board, or expressly authorized by ordinance or resolution adopted by the board. All contracts and all ordinances and resolutions making contracts shall be drawn by the town attorney or submitted to such officer before the same are made or passed. All heads of departments, agents and employees are the agents of the board of commissioners only, and all their acts shall be subject to review and to approval or revocation by the board of commissioners. Every head of departments, superintendent, agent, employee, or officer shall from time to time, as required by law or ordinance, or when requested by the board of commissioners, or whenever he shall deem necessary for the good of the public service, report to the board of commissioners in writing respecting the business of his department, officers, or employment, all matters connected therewith. The board of commissioners may, by ordinance or resolution, assign to a head of a department, or officer, employment and such service shall be rendered without additional compensation. The board of commissioners shall elect and have authority over the town clerk who shall be the clerk of the board of commissioner.

Sec. 11. That each member of the board of commissioners shall devote such of his time and attention to the performance of the public duties herein mentioned as is necessary to fully carry out the same.

Sec. 12. Nomination and Candidates. All candidates to be voted for at all general municipal elections, at which time a mayor, commissioner or any other elective officer is to be elected under the provision of this Act, shall be nominated by the primary election

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and no other name shall be placed upon the general ballot except those nominated in such primary in the manner prescribed by law. But until such general election is held, L. C. Kure, Ed Lewis and C. E. Danner are appointed under this Act to serve as commissioners until the first Tuesday in June, A. D., 1949.

Two of the commissioners provided for in this Act, whether elected or appointed, shall be free holders and bona fide residents of New Hanover County, North Carolina.

Sec. 13. Salaries. The mayor and commissioners shall have office at the town hall. The compensation of the mayor and commissioners shall be as follows: Mayor and commissioner of public safety, twenty-five dollars (\$25.00) per annum; commissioner of public works and commissioner of finance, twenty-five (\$25.00) dollars each per annum. Salaries shall be paid in equal monthly installments.

Sec. 14. Nomination and Election of Commissioners. The mayor and commissioners provided for in this Act shall at the regular general election in said town on the first Tuesday after the first Monday in May, 1949, hold office for the term of two years and until his successor is elected and qualified. The commissioner of finance shall hold office for a term of two years and until his successor is elected and qualified. The commissioner of public works shall hold office for the term of two years and until his successor is elected and qualified. On the first Tuesday after the first Monday in May, 1949, and every two years thereafter, there shall be elected a successor^{or successors}/to that commissioner or commissioners whose term or terms of office shall expire in such year. All commissioners elected after the year 1949 shall hold office for a term of two years.

Sec. 15. Candidates for the office of mayor and commissioners, at the first election hereunder and every two years thereafter, shall be nominated at a primary election which shall be held under such laws as are now in force or may hereafter be enacted in

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relation to State primary elections in North Carolina, but all candidates to be nominated or elected under this Act shall be nominated and elected by electors of said town at large. If, in any primary election, any candidate shall receive a majority of all votes cast for all candidates for the particular office, such person shall be the candidate in the general election. If there be more than two candidates for a particular office and no one of such candidates shall receive a majority of the total votes cast for all candidates for such office, then the two candidates receiving the highest vote in the primary shall be candidates in the general election.

Sec. 16. The county board of elections of New Hanover County shall, before the beginning of the registration period for the primary and general elections in the year 1949, and as often thereafter as may be necessary, establish and name the voting precincts in said town and define the territory covered by the respective precincts.

Sec. 17. No name of any person as a candidate for mayor or commissioner under this Act shall be placed upon the primary ballot unless and until at least ten days prior to the date fixed for holding such primary, a written notice for which, signed by at least five qualified voters of said town, shall have been filed with the chairman of the town board of elections.

Sec. 18. The terms of office of the mayor and commissioners elected under this Act shall begin at noon on the first Tuesday in June of the year in which they are elected, and until the beginning of the terms of office of the mayor and commissioners elected under the Act at the election to be held in the year 1949, the governing body of said town as now constituted shall continue in office.

Sec. 19. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of April, 1947.

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L. Y. Ballentine
President of the Senate.

Thos. J. Pearsall
Speaker of the House of Representatives.

Examined and found correct.

Jno. C. Redman

For Committee.