

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

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SENATE BILL 79
State and Local Government Committee Substitute Adopted 4/29/25

Short Title: Boiling Springs Charter/OT Changes.

(Local)

Sponsors:

Referred to:

February 12, 2025

A BILL TO BE ENTITLED
AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF BOILING
SPRINGS AND TO DISSOLVE THE BOILING SPRINGS TOURISM DEVELOPMENT
AUTHORITY.

The General Assembly of North Carolina enacts:

SECTION 1.(a) The Charter of the Town of Boiling Springs is revised and consolidated to read:

"THE CHARTER OF THE TOWN OF BOILING SPRINGS.

"ARTICLE I. INCORPORATION AND CORPORATE POWERS.

"Section 1.1. Incorporation. The Town of Boiling Springs, in Cleveland County, North Carolina, and the inhabitants thereof, shall continue to be a municipal body politic and corporate, under the name of the "Town of Boiling Springs," hereinafter referred to as the "Town."

"Section 1.2. Powers. The Town shall continue to be vested with all of the property and rights in property belonging to the Town; shall have perpetual succession; may sue and be sued; may contract and be contracted with; may acquire and hold any property, real and personal, devised, bequeathed, sold, or in any manner conveyed, dedicated to, or otherwise acquired by it; and, from time to time, may hold, invest, sell, or dispose of the same, may have a common seal, and alter and renew the same at will. The enumeration of any particular powers, rights, immunities, or authorities shall not be held or deemed to be exclusive. In addition to any powers, rights, or authorities enumerated or implied under this Charter, the Town shall have and may exercise all the powers, functions, duties, rights, privileges, and immunities of every kind and nature whatsoever conferred upon the Town now or in the future under the general laws of the State of North Carolina, local acts applicable to the Town, and this Charter.

"ARTICLE II. CORPORATE BOUNDARIES.

"Section 2.1. Corporate Boundaries. The corporate limits of the Town shall be those existing at the time of ratification of this Charter, as the same are set forth on an official map of the Town, and as such limits may be altered from time to time in accordance with law. An official map of the Town, showing the current municipal boundaries, shall be maintained permanently in the office of the Town Clerk and shall be available for public inspection. Upon alteration of the limits pursuant to law, the appropriate changes to the official map of the Town shall be made and copies shall be filed in the office of the Secretary of State, the Cleveland County Register of Deeds, and the Cleveland County Board of Elections.

"ARTICLE III. GOVERNING BODY.

"Section 3.1. Governing Body. The Town Council (hereinafter "Council") and the Mayor shall be the governing body of the Town. When the context of this Charter requires it, "the Town" shall mean the governing body of the Town.



"Section 3.2. Composition of Town Council. The Council shall consist of five members, each to be elected at large by the qualified voters of the Town in the manner provided in Article IV of this Charter.

"Section 3.3. Mayor. The Mayor shall be elected by the qualified voters of the Town voting at large in the manner provided in Article IV of this Charter. The Mayor shall be the official head of the Town government and shall preside at all meetings of the Council. The Mayor shall vote only in the case of a tie.

"Section 3.4. Mayor Pro Tempore. In accordance with general law, the Council shall elect one of its members to act as Mayor Pro Tempore to perform the duties of the Mayor during the Mayor's absence.

"Section 3.5. Terms and Vacancies. Members of the Council shall serve staggered four-year terms with three members elected in the same election every four years and two members and the Mayor elected in the same election two years thereafter. The Mayor shall serve a four-year term. Vacancies that occur in any elective office of the Town shall be filled in accordance with G.S. 160A-63.

"Section 3.6. Meetings. In accordance with general law, the Council shall establish a suitable time and place for its regular meetings. Special and emergency meetings may be held as provided by general law. Official actions of the Council and all votes shall be taken in accordance with the applicable provisions of general law.

"ARTICLE IV. ELECTIONS.

"Section 4.1. Regular Municipal Elections. Regular municipal elections shall be held in each odd-numbered year in accordance with the uniform municipal election laws of North Carolina. The election of members of the Council and the Mayor shall be conducted on a nonpartisan basis, and the results determined using the nonpartisan plurality method as provided by G.S. 163-292.

"ARTICLE V. ORGANIZATION AND ADMINISTRATION.

"Section 5.1. Form of Government. The Town shall operate under the council-manager form of government in accordance with Part 2 of Article 7 of Chapter 160A of the General Statutes.

"Section 5.2. Town Manager. The Council shall appoint a Town Manager to serve at its pleasure who shall be the chief administrative official of Town government, and who shall be responsible to the Council for the proper administration of the affairs of the Town. The Town Manager shall have those powers and duties provided by general law. In addition, the Town Manager shall appoint the Town Clerk, Finance Officer, Tax Collector, and Chief of Police and may create new positions or departments or assign additional functions to offices, positions, or departments as provided by general law.

"Section 5.3. Town Attorney. The Council shall appoint a Town Attorney who shall represent the Town, advise Town officials, and perform other duties required by law or as the Council may direct."

SECTION 1.(b) The purpose of this section is to revise the Charter of the Town of Boiling Springs and to consolidate certain acts concerning the property, affairs, and government of the Town. It is intended to continue without interruption those provisions of prior acts that are expressly consolidated into this act and those provisions of prior acts which are not inconsistent with the foregoing so that all rights and liabilities which have accrued are preserved and may be enforced.

SECTION 1.(c) This section does not repeal or affect any acts concerning the property, affairs, or government of public schools or any acts validating official actions, proceedings, contracts, or obligations of any kind.

SECTION 1.(d) The following acts, having served the purposes for which they were enacted or having been consolidated into this act, are expressly repealed:

- (1) Chapter 279 of the Private Laws of 1911.
- (2) Chapter 273 of the Private Laws of 1913.
- (3) Chapter 1188 of the 1951 Session Laws.

(4) Chapter 668 of the 1957 Session Laws.

SECTION 1.(e) This section does not affect any rights or interests that arose under any provisions repealed by this section.

SECTION 1.(f) All existing ordinances, resolutions, and other provisions of the Town of Boiling Springs not inconsistent with the provisions of this section shall continue in effect until repealed or amended.

SECTION 1.(g) Whenever a reference is made in this section to a particular provision of the General Statutes and such provision is later amended, superseded, or recodified, the reference shall be deemed amended to refer to the amended General Statute or to the General Statute that most clearly corresponds to the statutory provision that is superseded or recodified.

SECTION 1.(h) If any provision of this section or application thereof is held invalid, such invalidity shall not affect other provisions or applications of this section that can be given effect without the invalid provision or application and, to this end, the provisions of this act are declared to be severable.

SECTION 2.(a) Part II of S.L. 2006-148 reads as rewritten:

"PART II. BOILING SPRINGS OCCUPANCY TAX

"SECTION 2.1. Occupancy Tax. – (a) Authorization and Scope. – The Boiling Springs Town Council may levy a room occupancy tax of up to three percent (3%) of the gross receipts derived from the rental of ~~any room, lodging, or an accommodation furnished by a hotel, motel, inn, tourist camp, or similar place~~ within the town that is subject to sales tax imposed by the State under G.S. 105-164.4(a)(3). This tax is in addition to any State or local sales tax. ~~This tax does not apply to accommodations furnished by nonprofit charitable, educational, or religious organizations when furnished in furtherance of their nonprofit purpose.~~

"SECTION 2.1.(b) Administration. – A tax levied under this section shall be levied, administered, collected, and repealed as provided in G.S. 160A-215. The penalties provided in G.S. 160A-215 apply to a tax levied under this section.

"SECTION 2.1.(c) Distribution and Use of Tax Revenue. – The Town of Boiling Springs ~~shall, on a quarterly basis, remit the net proceeds of the occupancy tax to the Boiling Springs Tourism Development Authority. The Authority shall use at least two-thirds of the funds remitted to it under this subsection~~ net proceeds of the occupancy tax to promote travel and tourism in Boiling Springs and shall use the remainder for tourism-related expenditures.

The following definitions apply in this subsection:

(1) Net proceeds. – Gross proceeds less the cost to the town of administering and collecting the tax, as determined by the finance officer, not to exceed three percent (3%) of the first five hundred thousand dollars (\$500,000) of gross proceeds collected each year and one percent (1%) of the remaining gross receipts collected each year.

(2) Promote travel and tourism. – To advertise or market an area or activity, publish and distribute pamphlets and other materials, conduct market research, or engage in similar promotional activities that attract tourists or business travelers to the area. The term includes administrative expenses incurred in engaging in the listed activities.

(3) Tourism-related expenditures. – Expenditures that, in the judgment of the ~~Tourism Development Authority, town,~~ are designed to increase the use of lodging facilities, meeting facilities, or convention facilities in a town or to attract tourists or business travelers to the town. The term includes tourism-related capital expenditures.

~~**"SECTION 2.2.** Boiling Springs Tourism Development Authority. – (a) Appointment and Membership. – When the Boiling Springs Town Council adopts a resolution levying a room occupancy tax under this Part, it shall also adopt a resolution creating a town Tourism Development Authority, which shall be a public authority under the Local Government Budget~~

1 ~~and Fiscal Control Act. The resolution shall provide for the membership of the Authority,~~
2 ~~including the members' terms of office, and for the filling of vacancies on the Authority. At least~~
3 ~~one-third of the members must be individuals who are affiliated with businesses that collect the~~
4 ~~tax in the town, and at least one-half of the members must be individuals who are currently active~~
5 ~~in the promotion of travel and tourism in the town. The town council shall designate one member~~
6 ~~of the Authority as chair and shall determine the compensation, if any, to be paid to members of~~
7 ~~the Authority.~~

8 ~~The Authority shall meet at the call of the chair and shall adopt rules of procedure to govern~~
9 ~~its meetings. The Finance Officer for Boiling Springs shall be the ex officio finance officer of~~
10 ~~the Authority.~~

11 ~~"SECTION 2.2.(b) Duties. The Authority shall expend the net proceeds of the tax levied~~
12 ~~under this Part for the purposes provided in this Part. The Authority shall promote travel, tourism,~~
13 ~~and conventions in the town, sponsor tourist-related events and activities in the town, and finance~~
14 ~~tourist-related capital projects in the town.~~

15 ~~"SECTION 2.2.(c) Reports. The Authority shall report quarterly and at the close of the~~
16 ~~fiscal year to the Boiling Springs Town Council on its receipts and expenditures for the preceding~~
17 ~~quarter and for the year in such detail as the town council may require."~~

18 **SECTION 2.(b)** This section becomes effective July 1, 2025. Any funds not
19 expended by the Boiling Springs Tourism Development Authority as of July 1, 2025, shall be
20 remitted to the Boiling Springs Town Council to be used for the same purposes as authorized for
21 the Boiling Springs Tourism Development Authority.

22 **SECTION 3.** Except as otherwise provided, this act is effective when it becomes
23 law.