

CHARTER

BISCOE, NORTH CAROLINA

Section

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Sec. 1 Incorporation.

That the Town of Biscoe in the county of Montgomery be and the same is hereby incorporated by the name and style of the "Town of Biscoe," and it shall have the benefit of and be subject to all the provisions of law now existing in reference to incorporated towns, not inconsistent with this act. (Pr. L. 1901, Ch. 24, Sec. 1)

Sec. 2 Corporate limits.

(a) The corporate limits of said town shall be as follows: One-half ($1/2$) mile north and three-fourths ($3/4$) of a mile south, and one-half ($1/2$) a mile east and west from the center of the passenger station of the Aberdeen and Asheboro Railroad Company in said town. (Pr. L. 1901, Ch. 24, Sec. 2; Pr. L. 1913, Ch. 277, Sec. 1)

(b) The area hereinafter described contiguous to the Town of Biscoe be formally annexed to and become a part of the Town of Biscoe effective as of the date of the adoption of this ordinance and resolution. The territory hereinafter described and its citizens and property shall be subject to all debts, loss, ordinances and regulations in force in the municipality of the Town of Biscoe and shall be entitled to the same privileges and benefits as other parts of the municipality of Biscoe. The property herein annexed is described as follows:

Beginning at an iron stake on the North bank of a branch in the west line of Biscoe City Limits, said point being in the line of the formerly Sam Kellam property and runs as said Kellam Tract and Monroe Tract three (3) lines as follows: North 82 degrees 45 minutes West 253.1 feet to an iron pipe; thence South 9 degrees 15 minutes West 89.1 feet to an iron pipe by two (2) pipes; thence North 82 degrees 45 minutes West 310 feet to an iron pipe by hickory and two (2) oak pointers; thence North 9 degrees 13 minutes East 330 feet to an iron stake in the Allen-Hurley-Deaton line; thence as its line South 88 degrees West 564.6 feet to an iron stake at the corner of the fence; thence as their line again North 2 degrees East 1,400 feet to a stake; then North 83 degrees East 676 feet to a stake by post oak

on the East side of the Lambert Road; thence as the East side of said road South 20 degrees 19 minutes East 459.5 feet to an iron stake; thence North 84 degrees 06 minutes East 289.8 feet to a stake in the old West line of the City Limits and being South 3 degrees 30 minutes West 112.6 feet from its Northwest corner; thence South 3 degrees 30 minutes West 1,388.5 feet to the point of beginning, as per survey made by Joe R. Callicutt, R. L. S., May, 1966. (Ord. of 9/15/66)

(c) The following described territory is hereby annexed and made part of the town:

That area lying and being contiguous to the northern boundary line of the city limits of the Town of Biscoe, and adjoining the city limits of the Town of Biscoe on the South, D.W. Hurley and others on the North, Leonard Brown and others on the South, and being more particularly described as follows:

Beginning in the fifth line of the sixty-one and one-third (61 1/3) acre tract of land deeded to R.N. Page by E. Campbell, and in the center of the Aberdeen and Asheboro Railroad track, said beginning point being the beginning corner of the eleven and forty-one hundredth (11.41) acres described in a deed from Allen, Deaton, Hurley, Inc. to Biscoe Investors, Inc., dated May 16, 1973, and recorded in Book 171 at Page 889, Montgomery County Registry, and runs from said beginning corner with Page & Hurley (formerly) line, North 75 degrees West 35 poles (577.50) feet to Page & Hurley's corner (formerly) pine pointers; thence South 59 degrees 45 minutes East 429.1 feet to an iron pin, said iron pin being the northeast corner of the fifty-seven and sixteenth (57.16) acre tract of land known as the Atkins tract, (said tract being a part of the 80 acres); thence with the north line of the Atkins tract and with D.W. Hurley's south line South 59 degrees 45 minutes West 1,975.5 feet to an old corner hickory (now down), said point being one of the northeast corners of the 11.37 acre tract described in Deed of Trust Book 132 at Page 319, Montgomery County Registry, said point being also the beginning corner of the 57.16 acre Atkins tract; thence with the 11.37 acre tract as follows: North 35 degrees 26 minutes 33 seconds West 22.99 feet; thence South 87 degrees 33 minutes 27 seconds West 576.23 feet to a stake and tack on the east bank of Adler Branch; thence crossing said branch and by-passing a meander loop of the said branch, North 87 degrees 56 minutes 13 seconds West 63 feet to a point in the center of said branch; thence as the center of said branch North 62 degrees 48 minutes 53 seconds West 51.24 feet to a point in the center of said branch, and in a bend; thence North 07 degrees 12 minutes 53 seconds West 151.71 feet to a point in the center of said branch; thence as the center of said branch North 36 degrees 38 minutes 53 seconds West 52.93 feet to the center of said branch and in a line of Fred Allen; thence as the south line of the Fred Allen lot North 66 degrees 58 minutes 53 seconds West 65.43 feet to a point in the center of said branch adjacent to an iron pipe on the north bank of said branch; thence as the center of said branch North 83 degrees 47 minutes West 236.20 feet to a point in the center of Clayola Drive and directly above the center of a culvert under the drive, said point being the northeast corner of the 4.98 acres described in Deed of Trust Book 132 at Page 319, Montgomery County Registry; thence with the north line of the 4.98 acre lot, South 80 degrees 13 minutes West 227.80 feet to an iron pipe; thence with the west line of said 4.98 acres, South 09 degrees 11 minutes East 1,021.83 feet to a 14 inch white oak corner tree in the north intersection of Clayola Drive and Lambert Road on the east side of Lambert Road and directly across Lambert Road for the service alley of Montgomery Nursing Home, said point being the beginning point of the 4.98 acre tract; thence North 76 degrees East 85.6 feet to an iron pipe corner in the southeast right of way of Clayola Drive, a corner with Leonard Brown; thence with the southeast right of way of Clayola Drive, North 34 degrees 58 minutes East 110.21 feet to the beginning point of the 11.37 acre tract, said point being an iron pipe corner in the east line of Clayola Drive, the northwest corner of Leonard Brown, also common to Allen, Deaton, Hurley, Inc., said iron pipe being North 49 degrees 04 minutes East 159.82 feet from the center of a 14 inch white oak tree

on the east side of Lambert Road; thence South 55 degrees 02 minutes East 94.19 feet to a square iron shaft in the old line, a corner of Leonard Brown; thence as an old line North 76 degrees East 424.44 feet to an iron corner in the east edge of an old field; thence North 17 degrees 56 minutes 33 seconds West 131 feet to an old corner; thence North 05 degrees 56 minutes 33 seconds West 284 feet to an iron pipe corner in the east edge of an old field; thence North 87 degrees 33 minutes 27 seconds East 529.21 feet to a flat iron at the base of an ash tree, a corner in the 57.16 acre tract; thence as the west line of the 57.16 acre tract, South 10 degrees East 918 feet to the intersection of the north line of the Town of Biscoe limits with the west line of the 57.16 acre tract; thence as the present town limits South 86 degrees 30 minutes East 715 feet to the old line in the Town of Biscoe limits; thence North 45 East 1,517 feet to an old hickory corner; thence North 25 minutes West 1,056 feet to an iron pin, said iron pin being the southwest corner of the 11.41 acre tract; thence South 70 minutes East 629 feet to the center of the Asheboro and Aberdeen Railroad; thence with the center of said railroad to the beginning. (Ord. of 8/28/73)

Sec. 3 Officers of the town.

(a) The officers of said town shall consist of a mayor, five (5) commissioners, and a marshal, to be elected in accordance with the general laws regulating elections in cities and towns.

(b) The terms of office of the two (2) members of the Board of Town Commissioners of Biscoe in Montgomery County who received the highest number of votes in the 1963 municipal election are hereby extended for an additional two (2) years, and in 1967, and quadrennially thereafter, two (2) members of said Town Board shall be elected for terms of four (4) years. In 1965, and quadrennially thereafter, three (3) members of the Board of Commissioners shall be elected for terms of four (4) years. (Pr. L. 1901, Ch. 24, Sec. 3; S. L. 1963, Ch. 656, Sec. 1)

Sec. 4 Officers named.

(a) Until their successors are elected and qualified the following persons shall be officers of said town, to wit: Mayor, William B. Hicks; Commissioners, Frank K. Sturdivant, William H. Thompson, Junius R. Page, Arthur W. Burt and Charles C. Martin; Marshal, J. William Ewing.

The General Assembly of North Carolina do enact:

(b) The governing body of said town shall have the power to lay out and open any new street or widen any old street within the corporate limits of said town wherever by it deemed necessary, and shall have power at any time to widen, change or extend any street or streets, or any part thereof, within the corporate limits of said town. The governing body of the town shall have the power to lay out, construct and maintain sewer lines and outfall lines whenever by it deemed necessary within the corporate limits of the town. In the event the authorities of said town cannot otherwise acquire lands and necessary construction right of way sufficient and suitable for the purposes aforesaid, the governing body of said town shall have full power and authority to condemn, appropriate to use any lands, unimproved or improved, necessary for any or either of the purposes named in this act, upon making a reasonable compensation to the owner or owners thereof. In case the owner or owners of the lands and the governing board of said town cannot agree upon the price for said lands, the governing body shall appoint three (3) freeholders, residents of said town, who shall assess the value of the land to be condemned, and shall make a report of their findings to the said governing body of

said town. If the governing body accepts and adopts the report, it shall cause to be paid or tendered to the landowner or owners the amount so assessed in legal tender of the country, and thereupon the title to said land or lands shall immediately become vested in the said Town of Biscoe, or its successor. If the landowner or owners shall think the amount assessed is below the actual value of the land taken, nothing herein, shall be construed to deprive him or her, or either, of the right to appeal to the Superior Court of Montgomery County within 30 days from the date the amount assessed is tendered or paid to him, her or them from said assessment. The jury, in assessing the value of any land, shall take into consideration the improvements, special or general, that may accrue to such land by the establishing of any improved streets, or other highway, and such benefits shall be computed as offsets against the damage. (Pr. L. 1901, Ch. 24, Sec. 4; Pr. L. 1923, Ch. 258, Sec. 1; S.L. 1917, Ch. 262, Sec. 1)

RELATED LOCAL LAWS

- § 1 Session Laws of 1951, Chapter 228.
- § 2 Session Laws of 1959, Chapter 204.
- § 3 Session Laws of 1967, Chapter 176.
- § 4 Session Laws of 1969, Chapter 145.
- § 5 Session Laws of 1969, Chapter 346.

Sec. 1 Session Laws of 1951, Chapter 228.

The members of the town police of the Towns of Biscoe, Candor, Mount Gilead, Star, and Troy, in Montgomery County, shall have in all that territory embraced within one (1) mile in all directions of the present corporate limits of said towns, respectively, all the power and authority which they now exercise within the corporate limits of said towns.

Sec. 2 Session Laws of 1959, Chapter 204.

WHEREAS, The Town of Biscoe has agreed to furnish and sell water to the Town of Star and the Town of Star has agreed to purchase same; and

WHEREAS, in order to obtain the water the Town of Star must install a water line extending from the South corporate limits of the Town of Star to the North corporate limits of the Town of Biscoe; and

WHEREAS, it has been agreed that the master meter shall be placed in said water line at a point which will be agreed to be halfway distant between the two (2) towns; and

WHEREAS, the Town of Biscoe desires to purchase that portion of the water line extending from said master meter to the North corporate limits of the Town of Biscoe: Now, therefore,

Sec. 1. The Town of Star is authorized to sell at private sale to the Town of Biscoe and the Town of Biscoe is authorized to purchase that portion of the water line referred to in the preamble to this act for such consideration and upon such terms and conditions as may be agreed upon by the governing boards of the two (2) towns. The amount of the purchase price shall in no event be less than the cost of the construction of the water line.

Sec. 3 Session Laws of 1967, Chapter 176.

Sec. 1. That the provisions of Section 160-59 of the General Statutes of North Carolina, Volume 3D, 1964 Replacement, shall not apply to the Town of Biscoe in the sale of a certain parcel of real property now owned by said town and located in the corporate limits of the Town of Biscoe and more particularly described as follows:

"Begin at a new point in the division line between R.G. Wright's 'Dowd Lot' and the Biscoe Library lot. Thence with said division line North 87 degrees 1 minute 56 seconds East 124.0 feet to an iron pin on the West side of Oak Street, being 19.4 feet westward from the center of said street and being the southeast corner of said 'Dowd Lot' and the northeast corner of the library lot. Thence with the East line of said library lot South 14 degrees 1 minute 56 seconds West 25.0 feet to a new iron stake in said line that is 18.4 feet northward from the North end of a culvert. Thence a new line North 81 degrees 29 minutes 00 seconds West 119.0 feet to the point of beginning. Containing 1,482 square feet as determined by the Double Meridian Distance method."

Sec. 2. That the governing body of the Town of Biscoe shall have and is hereby granted the power to sell and convey said real property at a private sale for such consideration and upon such terms as in the judgment of the governing body shall be in the best interest of the citizens of the Town of Biscoe.

Sec. 4 Session Laws of 1969, Chapter 145.

Sec. 1. The Board of Commissioners of the Town of Biscoe and the Board of Commissioners of the Town of Mount Gilead shall each call and conduct, within its respective town, on May 6, 1969, the day of the regular election of town officers, a special election upon the question whether alcoholic beverage control stores shall be established in the town. No new registration of voters shall be necessary for such special election, and all qualified voters of each town who are registered prior to the regular registration period for the regular 1969 municipal election in each town, and all who register during such period, shall be entitled to vote in such special election. Notice of such special election shall be posted at the town hall in each town and at two (2) public places in each town at least 15 days preceding the day of election. Except as otherwise provided herein, the special election in each town shall be conducted in accordance with the laws, rules, and regulations governing regular town elections in each town, respectively.

Sec. 2. At such special election, in each town, ballots shall be provided which contain the words "For Town Alcoholic Beverage Control Stores" and "Against Town Alcoholic Beverage Control Stores," with appropriate squares so that each voter may designate by his cross (X) mark his preference.

Sec. 3. If a majority of the votes cast at such special election in the Town of Biscoe shall be cast "For Town Alcoholic Beverage Control Stores," then it shall thereafter be lawful for such stores to be established and operated within the Town of Biscoe. If a majority of the votes cast at such special election in the Town of Mount Gilead shall be cast "For Town Alcoholic Beverage Control Stores," then it shall thereafter be lawful for such stores to be established and operated within the Town of Mount Gilead. In the event a majority of the votes cast at either or both of the special elections shall be cast "For Town Alcoholic Beverage Control Stores," then the Boards of Commissioners of the Towns of Biscoe, Candor, Mount Gilead, Star, and Troy shall create the Montgomery Municipal Board of Alcoholic Beverage Control, to be composed of five (5) members, one (1) each appointed by the board of commissioners of each of the towns for terms of three (3) years. The members so appointed shall choose from among their number a chairman to serve at their pleasure. Any vacancy on such board shall be filled for the unexpired term by the town board of commissioners which appointed the

member causing such vacancy. Compensation of the members of the board shall be fixed by concurrent action of the boards of commissioners of the town. Such board shall open and operate one (1) or more alcoholic beverage control stores in each town in which such stores shall be authorized by the special elections herein provided.

Sec. 4. The Montgomery Municipal Alcoholic Beverage Control Board shall have all the powers granted to, and duties imposed upon, county alcoholic control boards by G.S. 18-45 and shall be subject to the powers and authority of the State Board of Alcoholic Control as granted by G.S. 18-39; provided, however, that G.S. 18-45(15) and G.S. 18-39(10) shall not be applicable to the Montgomery Municipal Alcoholic Beverage Control Board nor to any alcoholic beverage control stores operated by such board.

Editor's Note:

G.S. 18-45(15) and G.S. 18-39(10) have been repealed and replaced by similar provisions

Sec. 5. The net annual revenue from the operation of alcoholic beverage control stores remaining after payment of all costs and operating expenses and after retaining sufficient working capital, in an amount determined by it, shall be paid by the Montgomery Municipal Alcoholic Beverage Control Board as follows:

(a) five percent (5%) each to the Towns of Biscoe and Mount Gilead to be used for law enforcement purposes; provided, however, in the event alcoholic beverage control stores shall be authorized in only one (1) of said towns by the special elections herein provided, then the board shall pay 10% to such town to be used for law enforcement purposes;

(b) fifty percent (50%) to be divided among and paid to the Towns of Biscoe, Candor, Mount Gilead, Star, and Troy on the basis of their relative populations according to the most recent Federal census, and to be used by them for any authorized town purpose or function;

(c) forty percent (40%) to Montgomery County to be used for any authorized county purpose or function.

The Montgomery Municipal Alcoholic Beverage Control Board shall, upon request of the boards of commissioners of the towns appointing its members, pay out the funds authorized by this section quarterly after sufficient working capital has initially been set aside.

Sec. 6. In expending the funds for law enforcement pursuant to section 5 of this act the Board of Commissioners of the Towns of Biscoe and Mount Gilead, or either of them, may assign to one (1) of its police officers the additional duty of enforcing the alcoholic beverage control laws, and in performing such duty, such officer or officers shall have county-wide jurisdiction. At any time when the amount allocated by this act for law enforcement shall be deemed to be sufficient to do so the board of commissioners of each town receiving funds for law enforcement hereunder may appropriate such funds to employ either, singly or jointly, one (1) or more alcoholic beverage control officers.

Sec. 7. If a majority of the votes cast in such special election in either the Town of Biscoe or the Town of Mount Gilead shall be cast "Against Town Alcoholic Beverage Control Stores," then no town alcoholic beverage control stores shall be established in such town under authority of this act, unless authorized by a subsequent special election which may be called and conducted at any time by the board of commissioners of such town on its own motion, and which may be held on the day of any other regular or special town election, and which shall be conducted in accordance with the laws applicable to regular municipal elections in such town.

Sec. 5 Session Laws of 1969, Chapter 346.

Notwithstanding G.S. 160-2(6) or G.S. 160-59 or any other provision of law, the Boards of Commissioners of the Towns of Troy, Mount Gilead, Biscoe, Candor, and Star are each hereby authorized and empowered to lease, sell or transfer, and to convey, to the County of Montgomery, with or without consideration, either at public or private sale, and upon such terms and conditions as each such board shall see fit, any property, real or personal, and any easements, rights of way, water rights, or other interests in land, now owned by the respective towns and used for the purposes of acquisition, storage, transmission, and treatment of water. Nothing herein shall be construed to authorize the lease, sale, or transfer of the water distribution system or of any water distribution lines within the corporate limits of either of the respective towns in any manner other than as is authorized by G.S. 160-2(6).

Editor's Note:

G.S. 160-2(6) and G.S. 160-59 have been repealed and replaced with similar provisions