

NORTH CAROLINA GENERAL ASSEMBLY
1969 SESSION

CHAPTER 1058
SENATE BILL 740

AN ACT TO MAKE PARTS 1, 2 AND 3 OF ARTICLE 36 OF CHAPTER 160 OF
THE GENERAL STATUTES APPLICABLE IN CUMBERLAND COUNTY AND
TO AMEND G.S. 160-453.2 AND G.S. 160-453.14 TO PROHIBIT
ANNEXATION IN CUMBERLAND COUNTY WHEN A MAJORITY OF THE
REGISTERED VOTERS OBJECT BY PETITION.

The General Assembly of North Carolina do enact:

Section 1. G.S. 160-453.12 and G.S. 160-453.24 are each hereby amended by striking out of each Section the following: "Cumberland,".

Section 2. G.S. 160-453.2 and G.S. 160-453.14 are hereby amended by adding at the end of each section, respectively, the following: "Provided, that the municipality shall not annex an area if, within 30 days after publication of the notice of intent has been completed, a petition signed by a majority of the registered voters residing in the area to be annexed is filed with the governing body stating that the signers are opposed to annexation. If a petition opposing the intended annexation is not filed within the 30-day period, then the municipality may proceed with the annexation procedure."

Sec. 3. G.S. 160-453.11 and G.S. 160-453.24 are each hereby amended by adding at the end thereof the following: "Notwithstanding the other provisions of this Section, all the provisions of Part 1 of this Article shall remain in full force and effect as alternative annexation procedures for municipalities in Cumberland County."

Sec. 4. The City Council of the City of Fayetteville, by resolution duly adopted, is hereby authorized to call a special election in Cumberland County on the question whether the provisos to G.S. 160-453.2 and G.S. 160-453.14, as enacted by Section 2 of this Act, shall be repealed. The election may be called at any time within the discretion of the City Council of the City of Fayetteville. If the election is held at the same time as any other county-wide election, the expense of the election shall be paid by the County of Cumberland. If the election is not held at the same time as any other county-wide election, then the City of Fayetteville shall pay the expense of the election.

The resolution shall request the County Board of Elections to hold the special election, and the County Board shall hold and conduct a county-wide election in all voting precincts in Cumberland County on the date set in the resolution. The election shall be conducted in accordance with the laws, rules and regulations governing elections for county officers insofar as practical. No absentee ballots shall be permitted.

No new or special registration shall be required and all persons eligible to vote in the county shall be eligible to vote in the special election.

The question presented on the ballot shall be "FOR Repeal of Annexation Objection Law" and "AGAINST Repeal of Annexation Objection Law".

If a majority of those voting vote "FOR Repeal of Annexation Objection Law," then the provisos to G.S. 160-453.2 and G.S. 160- 453.14, as enacted by Section 2 of this Act, shall be repealed. If a majority of those voting vote "AGAINST Repeal of Annexation Objection Law," then the provisos to G.S. 160-453.2 and G.S. 160-453.14, as enacted by Section 2 of this Act, shall remain in full force and effect.

Any election called under this Act must be held within three years from the ratification date hereof.

Sec. 5. This Act shall apply only to Cumberland County.

Sec. 6. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 7. 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 26th day of June, 1969.