

NORTH CAROLINA GENERAL ASSEMBLY  
1973 SESSION

CHAPTER 375  
HOUSE BILL 722

AN ACT TO PROVIDE FOR VOLUNTARY ANNEXATION BY THE CITY OF  
ROCKY MOUNT OF AREAS NOT CONTIGUOUS TO THE MUNICIPAL  
BOUNDARIES OF THE CITY OF ROCKY MOUNT.

Whereas, Article 36 of Chapter 160 of the General Statutes of North Carolina contains no provision for the annexing of areas not contiguous to the municipal boundaries of the City of Rocky Mount; and

Whereas, it would be in the interest of the public health, safety and welfare of the inhabitants of said City and would permit a more orderly growth of the municipal boundaries of said City to allow the annexation of noncontiguous areas by petition of the property owners who desire that their property be annexed; Now, therefore,

The General Assembly of North Carolina enacts:

**Section 1.** That the owner or owners of any area within the boundaries of Nash County or Edgecombe County, or both counties, but not within the boundaries or extraterritorial jurisdiction of any other municipality, whose property is not contiguous to the municipal boundaries of the City of Rocky Mount, may, by petition directed to the City Council of the City of Rocky Mount, request that the property described in the petition be annexed and made a part of the City of Rocky Mount as hereinafter set out; provided any property so annexed must be located at the closest point not more than three miles from the City of Rocky Mount municipal limits wherein is located and situated the City Hall.

**Sec. 2.** That said petition shall be directed to the City Council of the City of Rocky Mount and shall contain:

- (1) The names of the owners of the real property for which a request to annex is made.
- (2) A description of the area to be annexed by metes and bounds.
- (3) The signatures of all property owners of the area requesting annexation.

Upon receipt of the petition, the City Council of the City of Rocky Mount shall cause the clerk of the municipality to investigate the sufficiency thereof and to certify the results of his or her investigation.

Upon receipt of the certification and petition, the City Council shall fix dates for two public hearings on the question of annexation and shall cause notice of the public hearings to be published twice in a newspaper having general circulation in the municipality at least 10 days prior to the date of the first public hearing, and published

in like manner preceding the second public hearing. The second public hearing shall be held at least 15 days after the first public hearing. At such public hearings, all residents of Nash or Edgecombe Counties opposing or favoring the annexation or alleging an error in the petition shall be given an opportunity to be heard. The City Council shall then determine whether the petition meets the requirements of this act.

Upon a further finding and determination by the City Council that:

- (1) The public health, safety and welfare of the inhabitants of the City of Rocky Mount, as well as those of the area, requesting such annexation, will best be served by such annexation, and
- (2) The City of Rocky Mount will be able to provide the same services to the annexed area in the same manner in which other areas within the municipal boundaries of said City are served,

the City Council of the City of Rocky Mount may adopt an ordinance annexing that area described in the petition. The City Council shall have authority to make the annexing ordinance effective immediately or on any specified date within six months from the date of passage of the ordinance. From and after the effective date of said ordinance the area and its citizens shall be subject to all debts, laws, ordinances and regulations in force in the City of Rocky Mount and shall be entitled to the same benefits and privileges of other parts of said City. The newly annexed area shall be subject to City taxes for the fiscal year following the effective date of annexation. If the effective date of annexation falls between January 1 and June 30, the City shall, for purposes of levying taxes for the fiscal year beginning July 1 following the date of annexation, obtain from the applicable county a record of property in the area being annexed which was listed for taxation as of said January 1. If the effective date of annexation falls between June 1 and June 30, and the effective date of the privilege license tax ordinance of the City is June 1, then businesses in the area to be annexed shall be liable for taxes imposed in such ordinance from and after the effective date of annexation.

**Sec. 3.** The City Council of the City of Rocky Mount may make annexation pursuant hereto contingent on such conditions as it may desire in order to insure that the area proposed to be annexed will not receive preferential treatment.

**Sec. 4.** The City Council, in its discretion, may charge in any noncontiguous annexed area water or sewer rates in excess of those charged within the municipal limits wherein is located the City Hall.

**Sec. 5.** Annexation proceedings hereunder shall be subject to referendum to the same extent and pursuant to the procedure provided in Part 1 of Article 36 of Chapter 160 of the General Statutes of North Carolina, except that such referendum shall be conducted by the Board of Elections then responsible for the conduct of other elections in the City of Rocky Mount.

**Sec. 6.** Whenever the limits of the City of Rocky Mount are enlarged in accordance with the provisions of this act, it shall be the duty of the mayor of the city to cause an accurate map of such annexed area, together with a copy of the ordinance duly certified, and the official results of the election, if conducted, to be recorded in the office of the register of deeds of the county in which such area is situated and in the office of the Secretary of State.

**Sec. 7.** Any area annexed pursuant to this act shall cease to be noncontiguous for all intents and purposes when and in the event said area shall touch the municipal limits of the City of Rocky Mount pursuant to the extension of the boundaries of said City pursuant to Article 36, Chapter 160 of the General Statutes of North Carolina.

**Sec. 8.** Any area annexed pursuant to this act shall not be included in that area of the municipal boundaries used for determining any extraterritorial jurisdiction of the City of Rocky Mount and further shall not be considered within the municipal boundaries for the purposes of defining an area as contiguous to the City limits within the provisions of Part 3 of Article 36 of Chapter 160 of the General Statutes of North Carolina with reference to further annexation unless and until the area annexed pursuant hereto shall, by extension of the municipal boundaries pursuant to Article 36 of Chapter 160 of the General Statutes of North Carolina, touch and become a part of the municipal boundaries of the City of Rocky Mount wherein is located the City Hall.

**Sec. 9.** The total area of all noncontiguous portions of the City annexed pursuant to this act shall at no time exceed ten percent (10%) of the total area of the City of Rocky Mount wherein is located the City Hall.

**Sec. 10.** This act shall be supplemental and in addition to any other methods or procedure for annexation heretofore available or hereafter provided for the City of Rocky Mount.

**Sec. 11.** If any clause, sentence, paragraph, subsection, section or any part of this act shall for any reason be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such judgment shall not affect, impair or invalidate the remainder of this act but shall be confined in its operation to the part thereof directly involved in said judgment.

**Sec. 12.** All laws and clauses of laws in conflict with this act are repealed.

**Sec. 13.** This act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 8th day of May, 1973.