

NORTH CAROLINA GENERAL ASSEMBLY
1973 SESSION

CHAPTER 925
HOUSE BILL 1653

AN ACT TO PROVIDE FOR ANNEXATION BY THE CITY OF GASTONIA OF
MUNICIPALLY-OWNED REAL PROPERTY NOT CONTIGUOUS TO ITS
CORPORATE LIMITS.

Whereas, Article 4A of Chapter 160 of the General Statutes of North Carolina contains no provision for the annexing by a municipality of its own real property when the same is not contiguous to the municipal boundaries; and

Whereas, it would be in the interest of the public health, safety and welfare to permit annexation of non-contiguous real property owned by the City of Gastonia so that police and fire protection and other municipal services might be made more readily available; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. The City Council of the City of Gastonia is authorized to annex by ordinance any real property which it owns although not contiguous to the municipal corporate boundaries.

Sec. 2. If the City Council of the City of Gastonia desires to annex territory under the provisions of this act, it shall first pass a resolution stating the intent of the municipality to consider annexation. Such resolution shall describe the boundaries of the area under consideration and fix a date for public hearing on the question of annexation, the date for such public hearing to be not less than 10 days and not more than 30 days following passage of the resolution.

Sec. 3. Such notice shall be published once in a newspaper having general circulation in the City of Gastonia at least 10 days prior to the date of the public hearing.

Sec. 4. At the public hearing a representative of the City of Gastonia shall first make an explanation of what territory is involved and why the area is being considered for annexation. Following such explanation, any citizen shall be given an opportunity to be heard.

Sec. 5. After the hearing, the City Council of the City of Gastonia shall have the authority to pass an ordinance annexing the territory described in the resolution of intent and shall have authority to make the annexing ordinance effective immediately or on any specified date within six months from the date of the passage of the ordinance.

Sec. 6. From and after the effective date of the annexation ordinance, the territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the City of Gastonia. The newly annexed territory shall be subject to municipal taxes levied for the fiscal year following the date of annexation. If

the effective date of annexation falls between January 1 and June 30, the municipality shall, for purposes of levying taxes for the fiscal year beginning July 1 following the date of annexation, obtain from the County a record of property in the area being annexed which was listed for taxation as of said January 1.

Sec. 7. The power of the City of Gastonia to regulate land use pursuant to Article 19, Chapter 160A of the General Statutes of North Carolina to abate public health nuisances pursuant to Section 160A-193 of the General Statutes of North Carolina, shall be the same within that area consisting of the Gastonia Municipal Airport property as within its primary corporate limits. The boundaries of the Airport property shall be considered a part of the City's corporate limits for the purposes of extraterritorial land use regulation or abatement of public health nuisances, within Gaston County only.

Sec. 8. If a provision of this act or the application of a provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this act that can be given effect without the invalid provision or application and to this end the provisions of this act are severable.

Sec. 9. All laws or clauses of laws in conflict with the provisions of this act are repealed.

Sec. 10. This act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 5th day of March, 1974.