

GENERAL ASSEMBLY OF NORTH CAROLINA
1997 SESSION

S.L. 1997-219
HOUSE BILL 698

AN ACT LIMITING THE AUTHORITY OF THE TOWNS OF MOREHEAD CITY
AND NEWPORT TO ANNEX NONCONTIGUOUS AREAS AND MODIFYING
THE LAWS RELATING TO SATELLITE ANNEXATIONS WHICH APPLY TO
MOORESVILLE.

The General Assembly of North Carolina enacts:

Section 1. The Towns of Morehead City and Newport may not annex noncontiguous areas as provided in Part 4 of Article 4A of Chapter 160A of the General Statutes if the area to be annexed is closer to the other Town's corporate limits than it is to the corporate limits of the Town desiring to annex the area. However, either Town may annex such an area if it lies within an area where the Town is exercising its extraterritorial planning jurisdiction under Article 19 of Chapter 160A of the General Statutes.

Section 2. Section 2 of Chapter 82 of the 1995 Session Laws reads as rewritten:

"Sec. 2. This act applies only to the ~~Towns~~ Town of Apex ~~and Mooresville~~ and only with respect to annexation ordinances adopted on or before December 31, 2000. The authority this act grants to the Town of Apex does not apply to property in Chatham County; therefore, the Town of Apex may not annex property in Chatham County by satellite annexation if the area to be annexed, when added to the area within the satellite corporate limits of the Town of Apex, exceeds the limit set by general law in G.S. 160A-58.1(b)(5)."

Section 3. G.S. 160A-58.1(b)(5) does not apply to the Town of Mooresville.

Section 4. G.S. 160A-58.4, as amended by Chapter 289 of the 1991 Session Laws, reads as rewritten:

"§ 160A-58.4. Extraterritorial powers.

Satellite corporate limits for areas annexed prior to January 1, 1997, shall be considered a part of the city's corporate limits for the purposes of extraterritorial land-use regulation pursuant to G.S. 160A-360, but not for purposes of abatement of public health nuisances pursuant to G.S. 160A-193. Satellite corporate limits for areas annexed on or after January 1, 1997, shall not be considered a part of the city's corporate limits for the purposes of extraterritorial land-use regulation pursuant to G.S. 160A-360. However, a city's power to regulate land use pursuant to Chapter 160A, Article 19, or to abate public health nuisances pursuant to G.S. 160A-193, shall be the same within satellite corporate limits as within its primary corporate limits."

Section 5. Section 4 of this act applies only to the Town of Mooresville.

Section 6. This act is effective when it becomes law.

In the General Assembly read three times and ratified this the 24th day of June, 1997.

s/ Dennis A. Wicker
President of the Senate

s/ Harold J. Brubaker
Speaker of the House of Representatives