GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

SESSION LAW 2011-177
HOUSE BILL 56

AN ACT TO REQUIRE SPECIFIED LOCAL PENDING OR COMPLETED INVOLUNTARY ANNEXATIONS BE SUBJECT TO A PETITION TO DENY THE ANNEXATION BY PROPERTY OWNERS OF AT LEAST SIXTY PERCENT OF THE PARCELS LOCATED IN THE AREA.

The General Assembly of North Carolina enacts:

SECTION 1. The following involuntary annexations are suspended effective June 1, 2011, and shall not become effective until completion of a petition to disallow the annexation process described in Section 3 of this act.
  (1) Kinston annexation area, as described in House Bill 5, First Edition, 2011 Regular Session.
  (2) Lexington annexation area, as described in House Bill 37, First Edition, 2011 Regular Session.
  (3) Rocky Mount annexation area, as described in House Bill 56, First Edition, 2011 Regular Session.
  (4) Wilmington annexation area, as described in House Bill 180, First Edition, 2011 Regular Session.
  (5) Asheville/Biltmore Lake annexation area, as described in House Bill 236, First Edition, 2011 Regular Session.
  (6) Marvin annexation area, as described in RS-2008-02-02, a resolution of the Village of Marvin Council.
  (7) Southport annexation area, known as "Area A" and "Area B," as described in City of Southport Annexation ordinance, adopted June 9, 2011.
SECTION 2. The following involuntary annexation, already enacted and effective, shall be subject to a petition by residents to disallow and repeal the annexation, in accordance with Section 4 of this act.
  (1) Goldsboro annexation, described in Senate Bill 314, First Edition, 2011 Regular Session.
SECTION 3. Pending Annexation/Petition to Deny Annexation Ordinance. – The annexations described in Section 1 of this act shall be subject to the following petition to deny annexation process.
  (1) Within 30 days of the effective date of this act, the county tax assessor shall prepare a list of the real property parcels within the area to be annexed and a list of the owners of the parcel, and forward the list to the board of elections in the county where a majority of the parcels proposed for annexation are located. The board of elections shall prepare petitions for property owners of the real property located within the area to sign opposing the annexation ordinance.
  (2) A petition shall include the names of the property owners of the parcel of real property listed individually, a signature line for each owner, and a statement that the person signing is petitioning to deny the annexation.

(3) The board of elections shall mail a petition to the address of record for those real property owners within five business days of receipt from the county tax assessor of the list.

(4) The board of elections shall provide two methods by which property owners of the real property located within the area described in the annexation ordinance may sign a petition form prepared by the board of elections (i) in person or (ii) by submitting the signed petition form by mail. The board of elections shall also accept signatures signed on a petition form prepared by the board of elections, but collected by another, if that petition form is returned to the board of elections in a sealed container.

(5) If the signed petition is one that was mailed and the signer is not the same as the preprinted name on the form, the signed petition shall be notarized and accompanied by a copy of the legal authority for the signature of the person signing a petition.

(6) If a petition is returned as undeliverable to the board of elections, the board of elections shall send the petition return receipt requested. If the petition is returned again, the board of elections shall not include that property owner in the total number of eligible property owners.

(7) The board of elections shall accept signatures on the petition until 130 days after mailing the petitions under subdivision (3) of this section.

(8) The determination of the results by the board of elections of the petition period shall be observed by three property owners from the area proposed for annexation, chosen by lot by the board of elections from among those who request to serve in this role, and three persons designated by the municipality. A majority of the property owners of a single parcel of real property must sign the petition before the board of elections may count that parcel as having submitted a petition to deny annexation.

(9) Within 10 business days after the close of the signature period, the board of elections shall certify to the municipal governing body the number of petitions signed by property owners of the real property located within the area to be annexed.

(10) If the board of elections delivers to the municipal governing board petitions signed by property owners of at least sixty percent (60%) of the parcels located within the area to be annexed as provided in this section, the annexation shall be terminated, and the municipality may not adopt a resolution of consideration for the area described in the annexation ordinance for at least 36 months.

(11) The municipality shall reimburse the board of elections the costs of the petition process required under this section.

SECTION 4. Completed and Effective Annexation/Petition to Deny. – The annexations described in Section 2 of this act shall be subject to the following petition to deny annexation process:

(1) The same process as described in Section 3 of this act, except that if the board of elections delivers to the municipal governing board petitions signed by eligible property owners of at least sixty percent (60%) of the parcels located within the area described in the annexation ordinance, the annexation shall be repealed effective immediately, and the municipality may not adopt a resolution of consideration for the area described in the repealed annexation ordinance for at least 36 months following repeal.

SECTION 5. This act is effective when it becomes law.

In the General Assembly read three times and ratified this the 18th day of June, 2011.

s/ Philip E. Berger
President Pro Tempore of the Senate

s/ Thom Tillis
Speaker of the House of Representatives