

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE BILL 968

Short Title: Annexation Restricted.

(Public)

Sponsors: Representatives Decker; Creech, Brawley, J. Brown, Ellis, Esposito, Flaherty, Holmes, Mitchell, Wainwright, and Wood.

Referred to: Judiciary II.

April 15, 1993

A BILL TO BE ENTITLED

AN ACT TO RESTRICT FORCED ANNEXATIONS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 160A-49(e) reads as rewritten:

"(e) Passage of the Annexation Ordinance. – The municipal governing board shall take into consideration facts presented at the public hearing and shall have authority to amend the report required by G.S. 160A-47 to make changes in the plans for serving the area proposed to be annexed so long as such changes meet the requirements of G.S. 160A-47, provided that if the annexation report is amended to show additional subsections of G.S. 160A-48(c) or (d) under which the annexation qualifies that were not listed in the original report, the city must hold an additional public hearing on the annexation not less than 30 nor more than 90 days after the date the report is amended, and notice of such new hearing shall be given at the first public hearing. At-If, no later than adjournment of the public hearing, a petition, signed by the owners of fifteen percent (15%) of the owners of property proposed to be annexed, is received by the city, requesting the annexation, then at any regular or special meeting held no sooner than the tenth day following the public hearing and not later than 90 days following such public hearing, the governing board-board, by two-thirds vote of those members present and voting, shall have authority to adopt an ordinance extending the corporate limits of the municipality to include all, or such part, of the area described in the notice of public hearing which meets the requirements of G.S. 160A-48 and which the governing board has concluded should be annexed. If no such petition is received, the proceeding is terminated. In determining the number of property owners, each parcel of property

1 shall be considered owned by one person, and any person holding any fee interest in the
2 property may sign. The ordinance is not effective unless approved in a referendum
3 provided by subsection (e1) of this section. The ordinance shall:

- 4 (1) Contain specific findings showing that the area to be annexed meets
5 the requirements of G.S. 160A-48. The external boundaries of the area
6 to be annexed shall be described by metes and bounds. In showing the
7 application of G.S. 160A- 48(c) and (d) to the area, the governing
8 board may refer to boundaries set forth on a map of the area and
9 incorporate same by reference as a part of the ordinance.
- 10 (2) A statement of the intent of the municipality to provide services to the
11 area being annexed as set forth in the report required by G.S. 160A-47.
- 12 (3) A specific finding that on the effective date of annexation the
13 municipality will have funds appropriated in sufficient amount to
14 finance construction of any major trunk water mains and sewer outfalls
15 and such water and sewer lines as required in G.S. 160A-47(3)(b)
16 found necessary in the report required by G.S. 160A-47 to extend the
17 basic water and/or sewer system of the municipality into the area to be
18 annexed, or that on the effective date of annexation the municipality
19 will have authority to issue bonds in an amount sufficient to finance
20 such construction. If authority to issue such bonds must be secured
21 from the electorate of the municipality prior to the effective date of
22 annexation, then the effective date of annexation shall be no earlier
23 than the day following the statement of the successful result of the
24 bond election.
- 25 (4) Fix the effective date for annexation. The effective date of annexation
26 may be fixed for any date not less than 40 days nor more than 400 days
27 from the date of passage of the ordinance."

28 Sec. 2. G.S. 160A-49 is amended by adding a new subsection to read:

29 "(e1) Upon adoption of the ordinance, the city council shall order the board of
30 elections which conducts elections for that city to call an election to determine whether
31 or not the proposed territory shall be annexed to the city or town. Within 90 days after
32 receiving such order from the governing body, the county board of elections shall
33 proceed to hold an election on the question.

34 Such election shall be called by a resolution or resolutions of said county board of
35 elections which shall:

- 36 (1) Describe the territory proposed to be annexed to the said city or town
37 as set out in the order of the said local governing body;
- 38 (2) Provide that the matter of annexation of such territory shall be
39 submitted to the vote of the qualified voters of the territory proposed to
40 be annexed; and
- 41 (3) Provide for registration of voters in the territory proposed to be
42 annexed for said election in accordance with G.S. 163-288.2.

43 Said resolution shall be published in one or more newspapers of the said county once a
44 week for 30 days prior to the closing of the registration books. All costs of holding such

1 election shall be paid by the city or town. Except as herein provided, the election shall
2 be held under the same statutes, rules, and regulations as are applicable to elections in
3 the municipality whose corporate limits are being enlarged.

4 At such election the question on the ballot shall be:

5 ' FOR annexation

6 AGAINST annexation.'

7 If at the election a majority of the votes cast from the area proposed for annexation shall
8 be 'For Annexation', the annexation ordinance shall become effective as provided by
9 this Part."

10 Sec. 3. G.S. 160A-37(e) reads as rewritten:

11 "(e) Passage of the Annexation Ordinance. – The municipal governing board shall
12 take into consideration facts presented at the public hearing and shall have authority to
13 amend the report required by G.S. 160A-35 to make changes in the plans for serving the
14 area proposed to be annexed so long as such changes meet the requirements of G.S.
15 160A-35. At any regular or special meeting held no sooner than the tenth day following
16 the public hearing and not later than 90 days following such public hearing, the
17 governing board shall have authority to adopt an ordinance extending the corporate
18 limits of the municipality to include all, or such part, of the area described in the notice
19 of public hearing which meets the requirements of G.S. 160A-36 and which the
20 governing board has concluded should be annexed. The ordinance shall:

- 21 (1) Contain specific findings showing that the area to be annexed meets
22 the requirements of G.S. 160A-36. The external boundaries of the area
23 to be annexed shall be described by metes and bounds. In showing the
24 application of G.S. 160A-36(c) and (d) to the area, the governing
25 board may refer to boundaries set forth on a map of the area and
26 incorporate same by reference as a part of the ordinance.
- 27 (2) A statement of the intent of the municipality to provide services to the
28 area being annexed as set forth in the report required by G.S. 160A-35.
- 29 (3) A specific finding that on the effective date of annexation the
30 municipality will have funds appropriated in sufficient amount to
31 finance construction of any water and sewer lines found necessary in
32 the report required by G.S. 160A-35 to extend the basic water and/or
33 sewer system of the municipality into the area to be annexed, or that
34 on the effective date of annexation the municipality will have authority
35 to issue bonds in an amount sufficient to finance such construction. If
36 authority to issue such bonds must be secured from the electorate of
37 the municipality prior to the effective date of annexation, then the
38 effective date of annexation shall be no earlier than the day following
39 the statement of the successful result of the bond election.
- 40 (4) Fix the effective date for annexation. The effective date of annexation
41 may be fixed for any date not less than 40 days nor more than 400 days
42 from the date of passage of the ordinance."

43 Sec. 4. G.S. 160A-37 is amended by adding a new subsection to read:

1 "(e1) Upon adoption of the ordinance, the city council shall order the board of
2 elections which conducts elections for that city to call an election to determine whether
3 or not the proposed territory shall be annexed to the city or town. Within 90 days after
4 receiving such order from the governing body, the county board of elections shall
5 proceed to hold an election on the question.

6 Such election shall be called by a resolution or resolutions of said county board of
7 elections which shall:

8 (1) Describe the territory proposed to be annexed to the said city or town
9 as set out in the order of the said local governing body;

10 (2) Provide that the matter of annexation of such territory shall be
11 submitted to the vote of the qualified voters of the territory proposed to
12 be annexed; and

13 (3) Provide for registration of voters in the territory proposed to be
14 annexed for said election in accordance with G.S. 163-288.2.

15 Said resolution shall be published in one or more newspapers of the said county once a
16 week for 30 days prior to the closing of the registration books. All costs of holding such
17 election shall be paid by the city or town. Except as herein provided, the election shall
18 be held under the same statutes, rules, and regulations as are applicable to elections in
19 the municipality whose corporate limits are being enlarged.

20 At such election the question on the ballot shall be:

21 ' FOR annexation

22 AGAINST annexation.'

23 If at the election a majority of the votes cast from the area proposed for annexation shall
24 be 'For Annexation', the annexation ordinance shall become effective as provided by
25 this Part."

26 Sec. 5. This act is effective upon ratification.