

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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HOUSE BILL 532

Short Title: Annexation Referenda.

(Public)

Sponsors: Representatives Decker; Allred, J. Brown, Buchanan, Capps, Cocklereece, Davis, Nichols, Pulley, and G. Wilson.

Referred to: Judiciary I.

March 23, 1995

A BILL TO BE ENTITLED

AN ACT TO RESTORE THE PRE-1959 ANNEXATION LAW BY REQUIRING A REFERENDUM ON ANNEXATION ON PETITION OF THE RESIDENTS BEING ANNEXED, AND TO ALLOW THE CITY TO PROVIDE FOR A REFERENDUM ON ANNEXATION.

The General Assembly of North Carolina enacts:

Section 1. Parts 2 and 3 of Article 4A of Chapter 160A of the General Statutes are repealed.

Sec. 2. Part 1 of Article 4A of Chapter 160A of the General Statutes is amended by adding the following new sections:

"§ 160A-28.1. Procedure for adoption of ordinance extending limits; effect of adoption when no election required; public hearing and notice thereof.

After public notice has been given by publication once a week for four successive weeks in a newspaper in the county with a general circulation in the municipality, or if there be no such paper, by posting notice in five or more public places within the municipality, describing by metes and bounds the territory to be annexed, thus notifying the owner or owners of the property located in such territory, that a session of the municipal legislative body will meet for the purpose of considering the annexation of such territory to the municipality, the governing body of any municipality may adopt an

1 ordinance extending its corporate limits by annexing thereto any contiguous tract or tracts
2 of land not embraced within the corporate limits of some other municipality. Provided,
3 that it shall be essential and necessary to the validity of any ordinance extending the
4 corporate limits of any municipality by annexation, pursuant to this section, to actually
5 hold a public hearing pursuant to the notice herein required, and that a statement by or on
6 behalf of the municipal governing body of the purpose or reasons for the proposed
7 extension of the corporate limits be made at the beginning of the public hearing, and that
8 reasonable opportunity to be heard be given any who attend such public hearing with
9 regard thereto. The public notice shall (i) fix the date, hour, and place of the public
10 hearing, and (ii) describe clearly the boundaries of the area under consideration. Then
11 from and after the date of the adoption of such ordinance, unless an election is required as
12 herein provided, the territory and its citizens and property shall be subject to all debts,
13 laws, ordinances, and regulations in force in said city or town and shall be entitled to the
14 same privileges and benefits as other parts of said city or town.

15 **"§ 160A-28.2. Referendum on question of extension.**

16 If, at the meeting held for such purpose, a petition is filed and signed by at least
17 fifteen percent (15%) of the qualified voters resident in the area proposed to be annexed
18 requesting a referendum on the question, the governing body shall, before passing said
19 ordinance annexing the territory, submit the question as to whether said territory shall be
20 annexed to a vote of the qualified voters of the area proposed to be annexed, and the
21 governing body may or may not cause the question to be submitted to the residents of the
22 municipality voting separately. The governing body may, without receipt of a petition,
23 call for a referendum on the question: Provided, however, the governing body of the
24 municipality shall be required to call for a referendum within the municipality if a
25 petition is filed and signed by at least fifteen percent (15%) of the qualified voters
26 residing in the municipality.

27 **"§ 160A-28.3. Extent of participation in referendum; call of election.**

28 Upon receipt of a sufficient petition, or if the board on its own motion determines that
29 a referendum shall be held, the local governing body shall determine whether or not the
30 election will be conducted solely in the area to be annexed or simultaneously with the
31 qualified voters of the municipality, and shall order the board of elections of the county in
32 which the municipality is located to call an election to determine whether or not the
33 proposed territory shall be annexed to the city or town. Within 60 days after receiving
34 such order from the governing body, the county board of elections shall proceed to hold
35 an election on the question.

36 **"§ 160A-28.4. Action required by county board of elections; publication of**
37 **resolution as to election; costs of election.**

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

- 40 (1) Describe the territory proposed to be annexed to the said city or town as
41 set out in the order of the said local governing body;
- 42 (2) Provide that the matter of annexation of such territory shall be submitted
43 to the vote of the qualified voters of the territory proposed to be

1 annexed, and if ordered by the local governing body, the qualified
2 voters of said city or town voting separately; and

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

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

10 **"§ 160A-28.5. Ballots; effect of majority vote for extension.**

11 At such election those qualified voters who present themselves to the election officials
12 at the respective voting places shall be furnished with ballots upon which shall be written
13 or printed the words 'For Extension' and 'Against Extension'. If at such election a
14 majority of the votes cast from the area proposed for annexation shall be 'For Extension',
15 and, in the event an election is held in the municipality, the majority of the votes cast in
16 the municipality shall also be 'For Extension', then from and after the date of the
17 declaration of the result of such election, the territory and its citizens and property shall
18 be subject to all the debts, laws, ordinances, and regulations in force in said city or town
19 and shall be entitled to the same privileges and benefits as other parts of said city or town.
20 The newly elected territory shall be subject to city taxes as provided by this Article."

21 Sec. 3. The title of Part 1 of Article 4A of Chapter 160A of the General
22 Statutes is amended by adding "or Referendum" at the end.

23 Sec. 4. This act is effective upon ratification.