

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE DRH50282-LBx-192 (3/2)

Short Title: Union Annexation and ETJ Referenda.

(Local)

Sponsors: Representative Blackwood.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO REQUIRE THAT ANNEXATIONS AND EXTENSION OF
3 EXTRATERRITORIAL JURISDICTION IN UNION COUNTY IS SUBJECT TO A
4 REFERENDUM.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** Parts 2 and 3 of Article 4A of Chapter 160A of the General Statutes
7 are repealed.

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

10 "**§ 160A-28.1. Procedure for adoption of ordinance extending limits.**

11 After public notice has been given by publication once a week for four successive weeks in
12 a newspaper in the county with a general circulation in the municipality, or if there be no such
13 paper, by posting notice in five or more public places within the municipality, describing by
14 metes and bounds the territory to be annexed, thus notifying the owner or owners of the
15 property located in such territory that the municipal legislative body will meet for the purpose
16 of considering the annexation of such territory to the municipality, the governing body of any
17 municipality may adopt an ordinance extending its corporate limits by annexing thereto any
18 contiguous tract or tracts of land not embraced within the corporate limits of some other
19 municipality. It shall be essential and necessary to the validity of any ordinance extending the
20 corporate limits of any municipality pursuant to this section that (i) a public hearing pursuant to
21 the notice in this section is held, (ii) a statement by or on behalf of the municipal governing
22 body of the purpose or reasons for the proposed extension of the corporate limits is made at the
23 beginning of the public hearing, (iii) reasonable opportunity to be heard be given any who
24 attend such public hearing with regard thereto, and (iv) the ordinance is approved by
25 referendum in accordance with G.S. 160A-28.5. The public notice shall (i) fix the date, hour,
26 and place of the public hearing, and (ii) describe clearly the boundaries of the area under
27 consideration.

28 "**§ 160A-28.2. Referendum on question of extension.**

29 The governing body shall, before passing said ordinance annexing the territory, submit the
30 question as to whether said territory shall be annexed to a vote of the qualified voters of the
31 area proposed to be annexed.

32 "**§ 160A-28.3. Call of election.**

33 The governing board shall order the board of elections of the county in which the territory
34 to be annexed is located to call an election to determine whether or not the proposed territory



1 shall be annexed to the city or town. Within 75 days after receiving such order from the
2 governing body, the county board of elections shall proceed to hold an election on the question.
3 **"§ 160A-28.4. Action required by county board of elections; publication of resolution as**
4 **to election; costs of election.**

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

- 7 (1) Describe the territory proposed to be annexed to the said city or town as set
8 out in the order of the said local governing body;
- 9 (2) Provide that the matter of annexation of such territory shall be submitted to
10 the vote of the qualified voters of the territory proposed to be annexed; and
- 11 (3) Provide for registration of voters in the territory proposed to be annexed for
12 said election in accordance with G.S. 163-288.2.

13 Said resolution shall be published in one or more newspapers of the said county once a week
14 for 30 days prior to the deadline for registration under G.S. 163-82.6(c). All costs of holding
15 such election shall be paid by the city or town. Except as herein provided, said election shall be
16 held under the same statutes, rules, and regulations as are applicable to elections in the
17 municipality whose corporate limits are being enlarged.

18 **"§ 160A-28.5. Ballots; effect of majority vote for extension.**

19 Ballots, voting systems, or both may be used in accordance with Chapter 163 of the General
20 Statutes. The question to be used in the voting systems and ballots shall be:

21 "[] FOR [] AGAINST
22 Extension."

23 If at such election, a majority of the votes cast from the area proposed for annexation shall
24 be 'For Extension', then from and after the later of the date of the declaration of the result of
25 such election or the effective date contained in the ordinance, the territory and its citizens and
26 property shall be subject to all the debts, laws, ordinances, and regulations in force in said city
27 or town and shall be entitled to the same privileges and benefits as other parts of said city or
28 town. The newly elected territory shall be subject to city taxes as provided by this Article."

29 **SECTION 3.** The title of Part 1 of Article 4A of Chapter 160A of the General
30 Statutes is amended by adding "or Referendum" at the end.

31 **SECTION 4.** Part 1 of Article 19 of Chapter 160A of the General Statutes is
32 amended by adding new sections to read:

33 **"§ 160A-360.1. Procedure for adoption of ordinance extending extraterritorial**
34 **jurisdiction.**

35 After public notice has been given by publication once a week for four successive weeks in
36 a newspaper in the county with a general circulation in the municipality, or if there be no such
37 paper, by posting notice in five or more public places within the municipality, describing by
38 metes and bounds the territory in which jurisdiction is to be extended under G.S. 160A-360,
39 thus notifying the owner or owners of the property located in such territory that the municipal
40 legislative body will meet for the purpose of considering the exercise of extraterritorial
41 jurisdiction by the municipality, the governing body of any municipality may adopt an
42 ordinance extending its extraterritorial jurisdiction. It shall be essential and necessary to the
43 validity of any ordinance extending the jurisdiction of any municipality pursuant to this section
44 that (i) a public hearing pursuant to the notice in this section is held, (ii) a statement by or on
45 behalf of the municipal governing body of the purpose or reasons for the proposed extension of
46 jurisdiction is made at the beginning of the public hearing, (iii) reasonable opportunity to be
47 heard be given any who attend such public hearing with regard thereto, and (iv) the ordinance
48 is approved by referendum in accordance with G.S. 160A-360.5. The public notice shall (i) fix
49 the date, hour, and place of the public hearing, and (ii) describe clearly the boundaries of the
50 area under consideration.

51 **"§ 160A-360.2. Referendum on question of extension.**

1 The governing body shall, before passing said ordinance extending its jurisdiction under
2 G.S. 160A-360, submit the question as to whether said jurisdiction should be extended to a vote
3 of the qualified voters of the area proposed to be subject to jurisdiction.

4 **"§ 160A-360.3. Call of election.**

5 The governing board shall order the board of elections of the county in which the territory
6 to be subject to the jurisdiction of the municipality is located to call an election to determine
7 whether or not the proposed territory shall be annexed to the city or town. Within 75 days after
8 receiving such order from the governing body, the county board of elections shall proceed to
9 hold an election on the question.

10 **"§ 160A-360.4. Action required by county board of elections; publication of resolution as**
11 **to election; costs of election.**

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

- 14 (1) Describe the territory proposed to be subject to the jurisdiction of the said
15 city or town as set out in the order of the said local governing body;
16 (2) Provide that the matter of extension of jurisdiction of such territory shall be
17 submitted to the vote of the qualified voters of the territory proposed; and
18 (3) Provide for registration of voters in the territory proposed for extension for
19 said election in accordance with G.S. 163-288.2 as if it were an annexation.

20 Said resolution shall be published in one or more newspapers of the said county once a week
21 for 30 days prior to the deadline for registration under G.S. 163-82.6(c). All costs of holding
22 such election shall be paid by the city or town. Except as herein provided, said election shall be
23 held under the same statutes, rules, and regulations as are applicable to elections in the
24 municipality whose corporate limits are being enlarged.

25 **"§ 160A-360.5. Ballots; effect of majority vote for extension.**

26 Ballots, voting systems, or both may be used in accordance with Chapter 163 of the General
27 Statutes. The question to be used in the voting systems and ballots shall be:

28 " FOR AGAINST

29 Extension of Extraterritorial Jurisdiction."

30 If at such election, a majority of the votes cast from the area proposed for annexation shall
31 be 'For Extension', then from and after the later of the date of the declaration of the result of
32 such election or the effective date contained in the ordinance, the territory and its citizens and
33 property shall be subject to the jurisdiction of the municipality in accordance with
34 G.S. 160A-360."

35 **SECTION 2.** This act shall also apply to any annexation made on or after January
36 1, 2005, or extension of jurisdiction under G.S. 160A-360 made on or after January 1, 2005,
37 except that it does not apply to any such annexation if extension of all waterlines required by
38 that annexation was completed by March 1, 2009. Such annexation or extension of jurisdiction
39 is repealed effective June 30, 2010, unless approved by referendum under this act prior to that
40 date.

41 **SECTION 5.** This act applies to Union County and municipalities located in that
42 county only.

43 **SECTION 6.** This act is effective when it becomes law.