

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011**

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**HOUSE BILL 56
Senate Finance Committee Substitute Adopted 6/14/11**

Short Title: Local Annexations Subject to 60% Petition. (Local)

Sponsors:

Referred to:

February 9, 2011

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

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** The following involuntary annexations are suspended effective June
8 1, 2011, and shall not become effective until completion of a petition to disallow the
9 annexation process described in Section 3 of this act.

- 10 (1) Kinston annexation area, as described in House Bill 5, First Edition, 2011
11 Regular Session.
- 12 (2) Lexington annexation area, as described in House Bill 37, First Edition,
13 2011 Regular Session.
- 14 (3) Rocky Mount annexation area, as described in House Bill 56, First Edition,
15 2011 Regular Session.
- 16 (4) Wilmington annexation area, as described in House Bill 180, First Edition,
17 2011 Regular Session.
- 18 (5) Asheville/Biltmore Lake annexation area, as described in House Bill 236,
19 First Edition, 2011 Regular Session.
- 20 (6) Marvin annexation area, as described in RS-2008-02-02, a resolution of the
21 Village of Marvin Council.
- 22 (7) Southport annexation area, known as "Area A" and "Area B," as described in
23 City of Southport Annexation ordinance, adopted June 9, 2011.
- 24 (8) Ayden annexation area, as described in Ayden Ordinance No. 08-09-07 as
25 modified by any applicable Consent Order and Memoranda of
26 Understanding.

27 **SECTION 2.** The following involuntary annexation, already enacted and effective,
28 shall be subject to a petition by residents to disallow and repeal the annexation, in accordance
29 with Section 4 of this act.

- 30 (1) Goldsboro annexation, described in Senate Bill 314, First Edition, 2011
31 Regular Session.

32 **SECTION 3.** Pending Annexation/Petition to Deny Annexation Ordinance. – The
33 annexations described in Section 1 of this act shall be subject to the following petition to deny
34 annexation process.

- 35 (1) Within 30 days of the effective date of this act, the county tax assessor shall
36 prepare a list of the real property parcels within the area to be annexed and a
37 list of the owners of the parcel, and forward the list to the board of elections



1 in the county where a majority of the parcels proposed for annexation are
2 located. The board of elections shall prepare petitions for property owners of
3 the real property located within the area to sign opposing the annexation
4 ordinance.

5 (2) A petition shall include the names of the property owners of the parcel of
6 real property listed individually, a signature line for each owner, and a
7 statement that the person signing is petitioning to deny the annexation.

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

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

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

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

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

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

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

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

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

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

50 (1) The same process as described in Section 3 of this act, except that if the
51 board of elections delivers to the municipal governing board petitions signed

1 by eligible property owners of at least sixty percent (60%) of the parcels
2 located within the area described in the annexation ordinance, the annexation
3 shall be repealed effective immediately, and the municipality may not adopt
4 a resolution of consideration for the area described in the repealed
5 annexation ordinance for at least 36 months following repeal.

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