

GENERAL ASSEMBLY OF NORTH CAROLINA
1985 SESSION

CHAPTER 92
HOUSE BILL 311

AN ACT TO PROVIDE FOR ANNEXATION BY REFERENDUM IN TOWNS IN CRAVEN COUNTY WITH A POPULATION OF LESS THAN FIVE HUNDRED WHICH PROVIDE LESS THAN SIX OF THE SEVEN SERVICES NORMALLY NECESSARY TO RECEIVE POWELL BILL FUNDS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 160A-34 is amended by adding the following new language immediately before the period: ", except that this Part does not apply to any municipality in Craven County having a population of less than 500 persons according to the last federal decennial census unless that municipality provides at least six of the seven categories of municipal services listed in G.S. 136-41.2(c)."

Sec. 2. Article 4A of Chapter 160A of the General Statutes is amended by adding a new Part to read:

"Part 1A. Annexation by Certain Cities of less than 500.

"§ 160A-32.1. **Authority to annex.** – The governing board of any municipality having a population of less than 500 persons according to the last federal decennial census, and which does not provide at least six of the seven categories of municipal services listed in G.S. 136-41.2(c), may extend the corporate limits of the municipality under the procedures set forth in this Part.

"§ 160A-32.2. **Procedure for adoption of annexation ordinance.** – (a) 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, the governing board of any municipality may adopt an ordinance extending its corporate limits by annexing any contiguous tract or tracts of land not within the corporate limits of some other municipality.

(b) Prior to adoption of the ordinance, the municipal governing board shall hold a public hearing on the question of adoption. A statement by or on behalf of the municipal governing board of the purpose or reasons for the proposed extension of the corporate limits shall be made at the beginning of the public hearing. Reasonable opportunity to be heard shall be given any person who attends the public hearing. The public notice shall fix the date, hour and place of the public hearing, and shall describe clearly the boundaries of the area under consideration.

(c) From and after the date set in the ordinance, the territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the city and shall be entitled to the same privileges and benefits as other parts of the city.

Real and personal property in the newly annexed territory on the January 1 immediately preceding the beginning of the fiscal year in which the annexation becomes effective is subject to municipal taxes as provided in G.S. 160A- 58.10.

"§ 160A-32.3. Referendum on question of annexation. – The ordinance shall only be effective if approved by referendum as provided by this Part. The governing board shall submit the question as to whether the territory shall be annexed to a vote of the qualified voters of the area proposed to be annexed.

"§ 160A-32.4. Election procedure. – (a) The local governing board shall order the board of elections of the county in which the municipality is located to call an election to determine whether or not the proposed territory shall be annexed to the city. Within 120 days after receiving the order from the governing board, the county board of elections shall proceed to hold an election on the question.

(b) The election shall be called by a resolution or resolutions of the county board of elections which:

- (1) Describes the territory proposed to be annexed to the city as set out in the order of the local governing board;
- (2) Provides that the matter of annexation of the territory shall be submitted to the vote of the qualified voters of the territory proposed to be annexed; and
- (3) Makes all other necessary provisions for the election.

The resolution shall be published in one or more newspapers of the county once a week for 30 days prior to the closing of the registration books. All costs of holding the election shall be paid by the city. Except as provided by this act, the election shall be held in accordance with Chapter 163 of the General Statutes.

"§ 160A-32.5. Ballots; effect of majority vote for annexation. – At the election those qualified voters who present themselves to the election officials at the respective voting places shall be furnished with ballots upon which shall be written or printed the words 'For Annexation' and 'Against Annexation'. If at the election a majority of the votes cast from the area proposed for annexation shall be 'For Annexation' then from the date established in the ordinance, the territory and its citizens and property shall be subject to all the debts, laws, ordinances, and regulations in force in the city and shall be entitled to the same privileges and benefits as other parts of the city. Real and personal property in the newly annexed territory on the January 1 immediately preceding the beginning of the fiscal year in which the annexation becomes effective is subject to municipal taxes as provided in G.S. 160A-58.10.

"§ 160A-32.6. Limited applicability. – This Part applies only to municipalities in Craven County."

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 12th day of April, 1985.