

GENERAL ASSEMBLY OF NORTH CAROLINA
1987 SESSION

CHAPTER 560
HOUSE BILL 792

AN ACT TO ALLOW ROBESON COUNTY TO CREATE FIRE DISTRICTS.

The General Assembly of North Carolina enacts:

Section 1. Article 3A of Chapter 69 of the General Statutes is amended by adding a new section to read:

"§ 69-25.18. Election to be held in area of such size as to qualify as a rated district in accordance with regulations of the State Commissioner of Insurance.—(a) The Board of County Commissioners may establish a Fire District with boundary lines within a radius of the location or proposed location of building that will be used as Fire Department so as to qualify the entire area as a Rated District in accordance with regulations of the Commissioner of Insurance if upon the information and evidence it receives the board finds that:

- (1) There is a demonstratable need for providing fire protection in the district;
- (2) It is economically feasible to provide fire protection in the district without unreasonable or burdensome annual tax levies; and
- (3) There is a demonstratable demand for fire protection from persons residing in the district.

Territory lying within the corporate limits of a city or town may not be included unless the governing body of the city or town agree by resolution to such inclusion.

(b) Board of Commissioners shall cause a general description to be prepared using natural boundaries such as roads, rivers and streams when possible and boundaries shall be plotted on current maps of the county obtained from North Carolina Department of Transportation, and the description shall also be prepared in written form.

(c) That the Board of Commissioners shall cause notice of intent to establish the district and copies of the description of the district with the name of the district as proposed by residents of the district to be circulated in the district and no less than two public meetings relating to the formation of the district shall be held within the district.

(d) A copy of a county map with district lines shown thereon and written description of district lines shall be on file in the office of Director of Emergency Services and/or Fire Marshall for the county and if an election is to be held in the district for a special tax for fire protection as hereinafter provided in subsection (e) copies shall be filed in the office of the Board of Elections for the county; provided that copies in both offices shall be available for public inspection during regular office hours.

(e) Upon petition by such number or percentage of registered voters residing in the district as may be required by resolution of Board of Commissioners, which petition should designate the name of the district and be certified by the office of the Board of Elections as containing the required number of registered voters residing in district the Board of Commissioners of the county shall call an election in the district for the purpose of submitting to the qualified voters therein the question of levying and collecting a special tax on all taxable property in said district, of not exceeding fifteen cents (15¢) on the one hundred dollars (\$100.00) valuation of property, for the purpose of providing fire protection in said district. If the voters reject the special tax then no new election may be held within two years on the question of levying and collecting a special tax under this section in that district, or in any proposed district which includes a majority of the land within the district in which the tax was rejected.

(f) The procedures set out in Article 3A of Chapter 69 of General Statutes for conduct of elections and form of ballot shall be followed in elections held under this section.

(g) Upon a petition of registered voters residing in district complying with requirements of subsection (e) at intervals of not less than two years, the Board of County Commissioners shall call an election to abolish the special tax for fire protection for the area in the district. The election shall be called and conducted as hereinabove provided in subsection (e); if the majority of the registered voters in the district vote to abolish the tax, the Commissioners shall cease the levy and collection of same and any unused funds of the district shall be turned over to and used by the county collecting the same as a part of its general fund.

(h) That except for the provisions of G.S. 69-25.1 and G.S. 69-25.10 the provisions of this Article shall apply to Rated Fire Protection Districts created under this section.

(i) All prior Fire Protection Districts created in substantial compliance with this section are hereby approved, confirmed, validated and declared to be proper, authorized and legal; that all prior appropriations and expenditures by any county board of commissioners derived from taxes levied in fire protection districts so created are hereby approved, confirmed, validated and declared to be proper, authorized and legal."

Sec. 2. This act applies to Robeson County only.

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 6th day of July, 1987.