

GENERAL ASSEMBLY OF NORTH CAROLINA
1993 SESSION

CHAPTER 342
SENATE BILL 773

AN ACT AMENDING THE CHARTER OF THE CITY OF DURHAM
CONCERNING THE EFFECTIVE DATES OF ORDINANCES ANNEXING
TERRITORY TO THE CITY AND ANNEXATIONS BY PETITION, AND
CONCERNING ANNEXATION BOUNDARIES.

The General Assembly of North Carolina enacts:

Section 1. The Charter of the City of Durham, being Chapter 671, Session Laws of 1975, is amended by adding the following new sections:

"Sec. 2.3. Effective date of annexation ordinances.

(a) The provisions of G.S. 160A-31(d), 160A-58.2, and 160A-58.7 notwithstanding, the city council may make annexation ordinances adopted pursuant to Parts 1 or 4 of Article 4A of Chapter 160A of the General Statutes effective on any specified date within three years from the date of passage of the annexation ordinance.

(b) The provisions of G.S. 160A-49(e)(4) notwithstanding, the city council may fix the effective date of annexation ordinances adopted pursuant to Part 3 of Article 4A of Chapter 160A of the General Statutes for any date not less than 40 days nor more than three years from the date of passage of the ordinances.

(c) An annexation ordinance adopted pursuant to Article 4A of Chapter 160A of the General Statutes or this Charter may be amended by ordinance at any time prior to the effective date of such ordinance to change the effective date of the ordinance to any other date permitted by general law or this Charter. Such ordinance amending the ordinance may be adopted at any regular or special meeting of the city council and requires seven affirmative votes for passage. If the ordinance is to delay the effective date, no notice, public hearing, or other procedural requirement of Article 4A of Chapter 160A of the General Statutes, other than G.S. 160A-29, 160A-51, and 160A-58.8 as applicable, applies to the adoption of such an ordinance. If the ordinance is to advance the effective date, notice of the proposed ordinance shall be given and a public hearing on the proposed ordinance shall be held under the same procedure required for the original annexation, but:

- (1) With only the requirement of information in the notice and at the hearing as to the area to be affected and the adopted effective date and proposed new effective date; and
- (2) No other procedural requirement of Article 4A of Chapter 160A of the General Statutes, except for G.S. 160A-29, 160A-51, and 160A-58.8 as applicable, applies to the adoption of such an ordinance amendment.

(d) Any annexation ordinance adopted pursuant to Article 4A of Chapter 160A of the General Statutes or this Charter may be repealed by ordinance at any time prior to the effective date of the ordinance.

"Sec. 2.4. **Annexation petition signatures.** A petition for annexation of property submitted pursuant to G.S. 160A-31 need not be signed by any owner of real property that is wholly exempt from property taxation under the Constitution and laws of North Carolina, nor by railroad companies, public utilities as defined in G.S. 62-3(23), or electric or telephone membership corporations.

"Sec. 2.5. **Use of property lines as annexation boundaries.** The provisions of G.S. 160A-48(e) notwithstanding, the City may use property lines rather than topographic features as annexation boundaries."

Sec. 2. This act applies only to Durham City.

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 14th day of July, 1993.

Dennis A. Wicker
President of the Senate

Daniel Blue, Jr.
Speaker of the House of Representatives