

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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SENATE BILL 690

Short Title: Sanitary District Merger.

(Public)

Sponsors: Senator Johnson of Cabarrus.

Referred to: Local Government.

March 30, 1989

A BILL TO BE ENTITLED

AN ACT TO ALLOW FOR THE MERGER OF A CITY AND A SANITARY DISTRICT WHICH IS CONTAINED WHOLLY WITHIN ITS BORDERS BUT WHICH IS NOT COTERMINOUS.

The General Assembly of North Carolina enacts:

Section 1. Part 2 of Article 2 of Chapter 130A of the General Statutes is amended by adding a new section to read:

"§ 130A-80.2. Merger of district with noncoterminous city or town it is contained wholly within; election.

A sanitary district may merge with a city or town which it is contained wholly within, but where the sanitary district and the city or town do not have coterminous boundaries, in the following manner:

(1) The sanitary district board and the governing board of the city or town may resolve that it is advisable to call an election within both the sanitary district and the city or town to determine if the sanitary district and the city or town should merge;

(2) If the sanitary district board and the governing board of the city or town resolve that it is advisable to call for an election, both boards shall adopt a resolution requesting the board of commissioners in the county or counties in which the district and the town or city or any portion is located to hold an election on a date named by the sanitary district board and the governing board of the city or town after consultation with the appropriate board or boards of elections. The

- 1 election shall be held within the sanitary district and the city or town
2 on the question of merger;
3 (3) The county board or boards of commissioners shall request the
4 appropriate board or boards of elections to hold and conduct the
5 election. All voters of the city or town and the sanitary district shall be
6 eligible to vote if the election is called in both areas as authorized in
7 subdivision (1);
8 (4) Notice of the election shall be given as required in G.S. 163-33(8). The
9 board or boards of elections may use either method of registration set
10 out in G.S. 163-288.2;
11 (5) If an election is called as provided in subsection (2), the board or
12 boards of elections shall provide ballots for the election in
13 substantially the following form:
14 '[] FOR merger of the Town of and the
15 Sanitary District, if a majority of the registered voters of both
16 the Sanitary District and the Town vote in favor of merger, the
17 combined territories to be known as the Town of
18 and to assume all of the obligations of the Sanitary District and
19 to receive from the Sanitary District all the property rights of
20 the District; from and after merger residents of the District
21 would enjoy all of the benefits of the municipality and would
22 assume their proportionate share of the obligations of the Town
23 as merged.
24 [] AGAINST merger.'
25 (6) A majority of all the votes cast by voters of the sanitary district and a
26 majority of all the votes cast by voters of the city or town is necessary
27 for the merger of a sanitary district with the city or town. The merger
28 shall be effective on July 1 following the election. If a majority of the
29 votes cast in either the sanitary district or the city or town vote against
30 the merger, any election on similar propositions of merger may not
31 occur until one year from the date of the last election.
32 (7) Upon the merger of a sanitary district and a city or town pursuant to
33 this section, the city or town shall assume all obligations of the
34 sanitary district and the sanitary district shall convey all property rights
35 to the city or town. The vote for merger shall include a vote for the city
36 or town to assume the obligations of the district. The sanitary district
37 shall cease to exist as a political subdivision from and after the
38 effective date of the merger. After the merger, the residents of the
39 sanitary district enjoy all of the benefits of the municipality and shall
40 assume their share of the obligations of the city or town. All taxes
41 levied and collected by the city or town from and after the effective
42 date of the merger shall be levied and collected uniformly in all the
43 territory included in the enlarged municipality; and

1 (8) If merger is approved, the governing board of the city or town shall
2 determine the proportion of the district's indebtedness, if any, which
3 was incurred for the construction of water systems and the proportion
4 which was incurred for construction of sewage disposal systems. The
5 governing board shall send a certified copy of the determination to the
6 local government commission in order that the Commission and the
7 governing body of the merged municipality can determine the net debt
8 of the merged municipality as required by G.S. 159-55."

9 Sec. 2. If a sanitary district and a city or town were merged in any election
10 conducted prior to January 1, 1989, under G.S. 130A-80, and the merger did not qualify
11 under that section, but would have been permissible under G.S. 130A-80.2 as enacted
12 by Section 1 of this act, that merger is in all respects validated and confirmed.

13 Sec. 3. This act is effective upon ratification.