

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE BILL 885

Short Title: Guilford Annexation Restricted.

(Local)

Sponsors: Representatives Decker; and Wood.

Referred to: State Government.

April 12, 1993

A BILL TO BE ENTITLED

AN ACT TO RESTRICT FORCED ANNEXATIONS IN GUILFORD COUNTY.

The General Assembly of North Carolina enacts:

Section 1. G.S. 160A-49(e) reads as rewritten:

"(e) Passage of the Annexation Ordinance. – The municipal governing board shall take into consideration facts presented at the public hearing and shall have authority to amend the report required by G.S. 160A-47 to make changes in the plans for serving the area proposed to be annexed so long as such changes meet the requirements of G.S. 160A-47, provided that if the annexation report is amended to show additional subsections of G.S. 160A-48(c) or (d) under which the annexation qualifies that were not listed in the original report, the city must hold an additional public hearing on the annexation not less than 30 nor more than 90 days after the date the report is amended, and notice of such new hearing shall be given at the first public hearing. At If, no later than adjournment of the public hearing, a petition, signed by the owners of fifteen percent (15%) of the owners of property proposed to be annexed, is received by the city, requesting the annexation, then at any regular or special meeting held no sooner than the tenth day following the public hearing and not later than 90 days following such public hearing, the governing board, by two-thirds vote of those members present and voting, shall have authority to adopt an ordinance extending the corporate limits of the municipality to include all, or such part, of the area described in the notice of public hearing which meets the requirements of G.S. 160A-48 and which the governing board has concluded should be annexed. If no such petition is received, the proceeding is terminated. In determining the number of property owners, each parcel of property shall be considered owned by one person, and any person holding any fee interest in the

1 property may sign. The ordinance is not effective unless approved in a referendum
2 provided by subsection (e1) of this section. The ordinance shall:

- 3 (1) Contain specific findings showing that the area to be annexed meets
4 the requirements of G.S. 160A-48. The external boundaries of the area
5 to be annexed shall be described by metes and bounds. In showing the
6 application of G.S. 160A- 48(c) and (d) to the area, the governing
7 board may refer to boundaries set forth on a map of the area and
8 incorporate same by reference as a part of the ordinance.
- 9 (2) A statement of the intent of the municipality to provide services to the
10 area being annexed as set forth in the report required by G.S. 160A-47.
- 11 (3) A specific finding that on the effective date of annexation the
12 municipality will have funds appropriated in sufficient amount to
13 finance construction of any major trunk water mains and sewer outfalls
14 and such water and sewer lines as required in G.S. 160A-47(3)(b)
15 found necessary in the report required by G.S. 160A-47 to extend the
16 basic water and/or sewer system of the municipality into the area to be
17 annexed, or that on the effective date of annexation the municipality
18 will have authority to issue bonds in an amount sufficient to finance
19 such construction. If authority to issue such bonds must be secured
20 from the electorate of the municipality prior to the effective date of
21 annexation, then the effective date of annexation shall be no earlier
22 than the day following the statement of the successful result of the
23 bond election.
- 24 (4) Fix the effective date for annexation. The effective date of annexation
25 may be fixed for any date not less than 40 days nor more than 400 days
26 from the date of passage of the ordinance."

27 Sec. 2. G.S. 160A-49 is amended by adding a new subsection to read:

28 "(e1) Upon adoption of the ordinance, the city council shall order the board of
29 elections which conducts elections for that city to call an election to determine whether
30 or not the proposed territory shall be annexed to the city or town. Within 90 days after
31 receiving such order from the governing body, the county board of elections shall
32 proceed to hold an election on the question.

33 Such election shall be called by a resolution or resolutions of said county board of
34 elections which shall:

- 35 (1) Describe the territory proposed to be annexed to the said city or town
36 as set out in the order of the said local governing body;
- 37 (2) Provide that the matter of annexation of such territory shall be
38 submitted to the vote of the qualified voters of the territory proposed to
39 be annexed; and
- 40 (3) Provide for registration of voters in the territory proposed to be
41 annexed for said election in accordance with G.S. 163-288.2.

42 Said resolution shall be published in one or more newspapers of the said county once a
43 week for 30 days prior to the closing of the registration books. All costs of holding such
44 election shall be paid by the city or town. Except as herein provided, the election shall

1 be held under the same statutes, rules, and regulations as are applicable to elections in
2 the municipality whose corporate limits are being enlarged.

3 At such election the question on the ballot shall be:

4 FOR annexation

5 AGAINST annexation.'

6 If at the election a majority of the votes cast from the area proposed for annexation shall
7 be 'For Annexation', the annexation ordinance shall become effective as provided by
8 this Part."

9 Sec. 3. G.S. 160A-37(e) reads as rewritten:

10 "(e) Passage of the Annexation Ordinance. – The municipal governing board shall
11 take into consideration facts presented at the public hearing and shall have authority to
12 amend the report required by G.S. 160A-35 to make changes in the plans for serving the
13 area proposed to be annexed so long as such changes meet the requirements of G.S.
14 160A-35. At any regular or special meeting held no sooner than the tenth day following
15 the public hearing and not later than 90 days following such public hearing, the
16 governing board shall have authority to adopt an ordinance extending the corporate
17 limits of the municipality to include all, or such part, of the area described in the notice
18 of public hearing which meets the requirements of G.S. 160A-36 and which the
19 governing board has concluded should be annexed. The ordinance shall:

20 (1) Contain specific findings showing that the area to be annexed meets
21 the requirements of G.S. 160A-36. The external boundaries of the area
22 to be annexed shall be described by metes and bounds. In showing the
23 application of G.S. 160A-36(c) and (d) to the area, the governing
24 board may refer to boundaries set forth on a map of the area and
25 incorporate same by reference as a part of the ordinance.

26 (2) A statement of the intent of the municipality to provide services to the
27 area being annexed as set forth in the report required by G.S. 160A-35.

28 (3) A specific finding that on the effective date of annexation the
29 municipality will have funds appropriated in sufficient amount to
30 finance construction of any water and sewer lines found necessary in
31 the report required by G.S. 160A-35 to extend the basic water and/or
32 sewer system of the municipality into the area to be annexed, or that
33 on the effective date of annexation the municipality will have authority
34 to issue bonds in an amount sufficient to finance such construction. If
35 authority to issue such bonds must be secured from the electorate of
36 the municipality prior to the effective date of annexation, then the
37 effective date of annexation shall be no earlier than the day following
38 the statement of the successful result of the bond election.

39 (4) Fix the effective date for annexation. The effective date of annexation
40 may be fixed for any date not less than 40 days nor more than 400 days
41 from the date of passage of the ordinance."

42 Sec. 4. G.S. 160A-37 is amended by adding a new subsection to read:

43 "(e1) Upon adoption of the ordinance, the city council shall order the board of
44 elections which conducts elections for that city to call an election to determine whether

1 or not the proposed territory shall be annexed to the city or town. Within 90 days after
2 receiving such order from the governing body, the county board of elections shall
3 proceed to hold an election on the question.

4 Such election shall be called by a resolution or resolutions of said county board of
5 elections which shall:

6 (1) Describe the territory proposed to be annexed to the said city or town
7 as set out in the order of the said local governing body;

8 (2) Provide that the matter of annexation of such territory shall be
9 submitted to the vote of the qualified voters of the territory proposed to
10 be annexed; and

11 (3) Provide for registration of voters in the territory proposed to be
12 annexed for said election in accordance with G.S. 163-288.2.

13 Said resolution shall be published in one or more newspapers of the said county once a
14 week for 30 days prior to the closing of the registration books. All costs of holding such
15 election shall be paid by the city or town. Except as herein provided, the election shall
16 be held under the same statutes, rules, and regulations as are applicable to elections in
17 the municipality whose corporate limits are being enlarged.

18 At such election the question on the ballot shall be:

19 FOR annexation

20 AGAINST annexation.'

21 If at the election a majority of the votes cast from the area proposed for annexation shall
22 be 'For Annexation', the annexation ordinance shall become effective as provided by
23 this Part."

24 Sec. 5. This act applies only to property in Guilford County.

25 Sec. 6. This act is effective upon ratification.