

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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HOUSE BILL 770  
Committee Substitute Favorable 5/1/95

Short Title: Law Enforcement Service District.

(Public)

Sponsors:

Referred to:

April 6, 1995

A BILL TO BE ENTITLED  
AN ACT TO AUTHORIZE THE CREATION OF COUNTY SERVICE DISTRICTS  
FOR LAW ENFORCEMENT SERVICES AND TO CHANGE THE  
REQUIREMENTS FOR CREATION OF DISTRICTS COVERING THE ENTIRE  
UNINCORPORATED AREA OF A COUNTY.

The General Assembly of North Carolina enacts:

Section 1. G.S. 153A-301(a) reads as rewritten:

"(a) The board of commissioners of any county may define any number of service districts in order to finance, provide, or maintain for the districts one or more of the following services, facilities and functions in addition to or to a greater extent than those financed, provided or maintained for the entire county:

- (1) Beach erosion control and flood and hurricane protection ~~works;~~ works.
- (2) Fire ~~protection;~~ protection.
- (3) ~~Recreation;~~ Recreation.
- (4) Sewage collection and disposal systems of all types, including septic tank systems or other on-site collection or disposal facilities or ~~systems;~~ systems.
- (5) Solid waste collection and disposal ~~systems;~~ systems.
- (6) Water supply and distribution ~~systems;~~ systems.

- 1           (7)    Ambulance and ~~reseue;~~ rescue.  
2           (8)    Watershed improvement projects, including but not limited to watershed  
3           improvement projects as defined in General Statutes Chapter 139;  
4           drainage projects, including but not limited to the drainage projects  
5           provided for by General Statutes Chapter 156; and water resources  
6           development projects, including but not limited to the federal water  
7           resources development projects provided for by General Statutes  
8           Chapter 143, Article ~~21;~~ 21.  
9           (9)    Cemeteries.  
10          (10)   Law enforcement if all of the following apply:  
11           a.     The population of the county is over five hundred thousand  
12                 according to the most recent federal decennial census.  
13           b.     The county has an interlocal agreement with a city in the county  
14                 under which the city provides law enforcement services in the  
15                 entire unincorporated area of the county.

16           Sec. 2. G.S. 153A-302 reads as rewritten:

17   **"§ 153A-302. Definition of service districts.**

18   (a)   Standards. – In determining whether to establish a proposed service district, the  
19   board of commissioners shall ~~consider;~~ consider all of the following:

- 20           (1)    The resident or seasonal population and population density of the  
21                 proposed ~~district;~~ district.  
22           (2)    The appraised value of property subject to taxation in the proposed  
23                 ~~district;~~ district.  
24           (3)    The present tax rates of the county and any cities or special districts in  
25                 which the district or any portion thereof is ~~located;~~ located.  
26           (4)    The ability of the proposed district to sustain the additional taxes  
27                 necessary to provide the services planned for the ~~district;~~ district.  
28           (5)    If it is proposed to furnish water, sewer, or solid waste collection  
29                 services in the district, the probable net revenues of the projects to be  
30                 financed and the extent to which the services will be ~~self-supporting;~~  
31                 self-supporting.  
32           (6)    Any other matters that the commissioners believe to have a bearing on  
33                 whether the district should be established.

34   (a1)   Findings. – The board of commissioners may establish a service district if,  
35   upon the information and evidence it receives, the board finds ~~that~~ that all of the  
36   following apply:

- 37           (1)    There is a demonstrable need for providing in the district one or more of  
38                 the services listed in G.S. ~~153A-301;~~ 153A-301.  
39           (2)    It is impossible or impracticable to provide those services on a  
40                 countywide ~~basis;~~ basis.  
41           (3)    It is economically feasible to provide the proposed services in the  
42                 district without unreasonable or burdensome annual tax ~~levies;~~ and  
43                 levies.

- 1 (4) There is a demonstrable demand for the proposed services by persons  
2 residing in the district.

3 Territory lying within the corporate limits of a city or sanitary district may not be  
4 included unless the governing body of the city or sanitary district agrees by resolution to  
5 such inclusion.

6 (b) Report. – Before the public hearing required by subsection (c), the board of  
7 commissioners shall cause to be prepared a report containing:

- 8 (1) A map of the proposed district, showing its proposed boundaries;  
9 (2) A statement showing that the proposed district meets the standards set  
10 out in subsection (a); and  
11 (3) A plan for providing one or more of the services listed in G.S. 153A-  
12 301 to the district.

13 The report shall be available for public inspection in the office of the clerk to the  
14 board for at least four weeks before the date of the public hearing.

15 (c) Hearing and Notice. – The board of commissioners shall hold a public hearing  
16 before adopting any resolution defining a new service district under this section. Notice  
17 of the hearing shall state the date, hour, and place of the hearing and its subject, and shall  
18 include a map of the proposed district and a statement that the report required by  
19 subsection (b) is available for public inspection in the office of the clerk to the board. The  
20 notice shall be published at least once not less than one week before the date of the  
21 hearing. In addition, it shall be mailed at least four weeks before the date of the hearing  
22 by any class of U.S. mail which is fully prepaid to the owners as shown by the county tax  
23 records as of the preceding January 1 (and at the address shown thereon) of all property  
24 located within the proposed district. The person designated by the board to mail the  
25 notice shall certify to the board that the mailing has been completed and his certificate is  
26 conclusive in the absence of fraud.

27 (d) Effective Date. – The resolution defining a service district shall take effect at  
28 the beginning of a fiscal year commencing after its passage, as determined by the board  
29 of commissioners.

30 (e) Exceptions For Countywide District. – The following requirements do not  
31 apply to a board of commissioners that proposes to create a law enforcement service  
32 district pursuant to G.S. 153A-301(a)(7) that covers the entire unincorporated area of the  
33 county:

- 34 (1) The requirement that the district cannot be created unless the board  
35 makes the finding in subdivision (a1)(2) of this section.  
36 (2) The requirement in subsection (c) of this section to notify each property  
37 owner by mail, if the board publishes a notice of its proposal to  
38 establish the district, once a week for four successive weeks before the  
39 date of the hearing required by that subsection."

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