

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

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HOUSE BILL 1695

Short Title: Kernersville Annexation Referenda.

(Local)

Sponsors: Representative Decker.

Referred to: Ways and Means, if favorable, Finance.

May 27, 2004

A BILL TO BE ENTITLED

AN ACT TO RESTORE THE PRE-1959 ANNEXATION LAW BY REQUIRING REFERENDA ON ANNEXATIONS IN THE TOWN OF KERNERSVILLE IF REQUESTED BY PETITION OR BY THE GOVERNING BOARD OF THE TOWN.

The General Assembly of North Carolina enacts:

SECTION 1. Parts 2 and 3 of Article 4A of Chapter 160A of the General Statutes do not apply to the Town of Kernersville.

SECTION 2. Part 1 of Article 4A of Chapter 160A of the General Statutes is amended by adding the following new sections:

"§ 160A-28.1. Procedure for adoption of ordinance extending limits; effect of adoption when no election required; public hearing and notice thereof.

After public notice has been given by publication once a week for four successive weeks in a newspaper in the county with a general circulation in the municipality, or if there be no such paper, by posting notice in five or more public places within the municipality, describing by metes and bounds the territory to be annexed, thus notifying the owner or owners of the property located in such territory, that a session of the municipal legislative body will meet for the purpose of considering the annexation of such territory to the municipality, the governing body of any municipality may adopt an ordinance extending its corporate limits by annexing thereto any contiguous tract or tracts of land not embraced within the corporate limits of some other municipality. Prior to adoption of such an ordinance, the governing body shall hold a public hearing pursuant to the notice herein required, and that a statement by or on behalf of the municipal governing body of the purpose or reasons for the proposed extension of the corporate limits be made at the beginning of the public hearing, and that reasonable opportunity to be heard be given any who attend such public hearing with regard thereto. The public notice shall (i) fix the date, hour, and place of the public hearing, (ii) describe clearly the boundaries of the area under consideration, and (iii) shall be published at least 30 days prior to the hearing. Then from and after the date of the

1 adoption of such ordinance, unless an election is required as herein provided, the
2 territory and its citizens and property shall be subject to all debts, laws, ordinances, and
3 regulations in force in said city or town and shall be entitled to the same privileges and
4 benefits as other parts of said city or town.

5 **"§ 160A-28.2. Referendum on question of extension.**

6 If, at the meeting held for such purpose, a petition is filed and signed by at least five
7 percent (5%) of the qualified voters resident in the area proposed to be annexed
8 requesting a referendum on the question, the governing body shall, before passing said
9 ordinance annexing the territory, submit the question as to whether said territory shall
10 be annexed to a vote of the qualified voters of the area proposed to be annexed. The
11 governing body may also, without receipt of a petition, call for a referendum on the
12 question.

13 **"§ 160A-28.3. Extent of participation in referendum; call of election.**

14 Upon receipt of a sufficient petition, or if the board on its own motion determines
15 that a referendum shall be held, it shall order the board of elections which conducts
16 elections for that municipality to call an election to determine whether or not the
17 proposed territory shall be annexed to the city or town. Within 90 days after receiving
18 such order from the governing body, the county board of elections shall proceed to hold
19 an election on the question.

20 **"§ 160A-28.4. Action required by county board of elections; publication of
21 resolution as to election; costs of election.**

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

- 24 (1) Describe the territory proposed to be annexed to the said city or town
25 as set out in the order of the said local governing body;
- 26 (2) Provide that the matter of annexation of such territory shall be
27 submitted to the vote of the qualified voters of the territory proposed to
28 be annexed; and
- 29 (3) Provide for registration of voters in the territory proposed to be
30 annexed for said election in accordance with G.S. 163-288.2.

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

36 **"§ 160A-28.5. Ballots; effect of majority vote for extension.**

37 At such election those qualified voters who present themselves to the election
38 officials at the respective voting places shall be furnished with ballots upon which shall
39 be written or printed the words 'For Extension' and 'Against Extension'. If at such
40 election a majority of the votes cast from the area proposed for annexation shall be 'For
41 Extension', then from and after the date of the declaration of the result of such election,
42 or such later date as may be ordered by the governing board of the municipality, the
43 territory and its citizens and property shall be subject to all the debts, laws, ordinances,
44 and regulations in force in said city or town and shall be entitled to the same privileges

1 and benefits as other parts of said city or town. The newly elected territory shall be
2 subject to city taxes as provided by this Article."

3 **SECTION 3.** Section 2 of this act applies to the Town of Kernersville only.

4 **SECTION 4.** This act is effective when it becomes law.