

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007**

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HOUSE BILL 1405

Short Title: Municipal Incorporation Criteria.

(Public)

Sponsors: Representatives Glazier; and Boylan.

Referred to: Judiciary II.

April 12, 2007

A BILL TO BE ENTITLED
AN ACT TO AMEND THE CRITERIA CONCERNING INCORPORATION OF
NEW MUNICIPALITIES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 120-166 reads as rewritten:

"§ 120-166. Additional criteria; nearness to another municipality.

(a) The Commission may not make a positive recommendation if the proposed municipality is located within one mile of a municipality of 5,000 to 9,999, within three miles of a municipality of 10,000 to 24,999, within four miles of a municipality of 25,000 to 49,999, or within five miles of a municipality of 50,000 or over, according to the most recent decennial federal census, or according to the most recent annual estimate of the Office of State Budget and Management if the municipality was incorporated since the return of that census. For purposes of this section, "municipality" means a city as defined by G.S. 160A-1(2) or a county that has exercised its authority under Article 24 of Chapter 153A of the General Statutes.

(b) Subsection (a) of this section does not apply in the case of proximity to a specific municipality if:

- (1) The proposed municipality is entirely on an island that the nearby city is not on;
- (2) The proposed municipality is separated by a major river or other natural barrier from the nearby city, ~~such that provision of municipal services by the nearby city to the proposed municipality is infeasible or the cost is prohibitive, and the Commission shall adopt policies to implement this subdivision;~~
city;
- (3) The municipalities within the distances described in subsection (a) of this section by resolution express their approval of the incorporation; or
- (4) An area of at least fifty percent (50%) of the proposed municipality has petitioned for annexation to the nearby city under G.S. 160A-31

1 within the previous 12 months before the incorporation petition is
2 submitted to the Commission but the annexation petition was not
3 approved."

4 **SECTION 2.** This act is effective when it becomes law.