

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 214

Short Title: Equalize Fire District Taxes.

(Public)

Sponsors: Representatives Holt; P. Wilson and Bowman.

Referred to: Government.

February 14, 1989

A BILL TO BE ENTITLED
AN ACT TO PROVIDE A METHOD FOR EQUALIZING THE FIRE DISTRICT
TAXES WITH THE SERVICES PROVIDED.

The General Assembly of North Carolina enacts:

Section 1. G.S. 69-25.11 reads as rewritten:

"§ 69-25.11. Changes in area of district.

After a fire protection district has been established under the provisions of this Article and fire protection commissioners have been appointed, changes in the area may be made as follows:

- (1) The area of any fire protection district may be increased by including within the boundaries of the district any adjoining territory upon the application of the owner, or a two-thirds majority of the owners, of the territory to be included, the unanimous recommendation in writing of the fire protection commissioners of said district, the approval of a majority of the members of the board of directors of the corporation furnishing fire protection to the district, and the approval of the board or boards of county commissioners in the county or counties in which said fire protection district is located. However, before said fire protection district change is approved by the county commissioners, notice shall be given once a week for two successive calendar weeks in a newspaper having general circulation in said district, and notice shall be posted at the courthouse door in each county affected, and at three public places in the area to be included, said notices inviting interested citizens to appear at a designated meeting of said county

- 1 commissioners, said notice to be published the first time and posted
2 not less than fifteen days prior to the date fixed for hearing before the
3 county commissioners.
- 4 (2) The area of any fire protection district may be decreased by removing
5 therefrom any territory, upon the application of the owner or owners of
6 the territory to be removed, the unanimous recommendation in writing
7 of the fire protection commissioners of said district, the approval of a
8 majority of the members of the board of directors of the corporation
9 furnishing fire protection to the district, and the approval of the board
10 or boards of county commissioners of the county or counties in which
11 the district is located.
- 12 (3) In the case of adjoining fire districts having in effect the same rate of
13 tax for fire protection, the board of county commissioners, upon
14 petition of the fire protection commissioners and the boards of
15 directors of the corporations furnishing fire protection in the districts
16 affected, shall have the authority to relocate the boundary lines
17 between such fire districts in accordance with the petition or in such
18 other manner as to the board may seem proper. Upon receipt of such
19 petition, the board of county commissioners shall set a date and time
20 for a public hearing on the petition, and notice of such hearing shall be
21 published in some newspaper having general circulation within the
22 districts to be affected once a week for two weeks preceding the time
23 of the hearing. Such hearings may be adjourned from time to time and
24 no further notice is required of such adjourned hearings. In the event
25 any boundaries of fire districts are altered or relocated under this
26 section, the same shall take effect at the beginning of the next
27 succeeding fiscal year after such action is taken.
- 28 (4) In the case of adjoining fire districts having in effect a different rate of
29 tax for fire protection, the board of county commissioners, upon
30 petition of two thirds of the owners of the territory involved and after
31 receiving a favorable recommendation of the fire protection
32 commissioners and the boards of directors of the corporations
33 furnishing fire protection in the districts affected, may transfer such
34 territory from one district to another and therefore relocate the
35 boundary lines between such fire districts in accordance with the
36 petition or in such other manner as the board may deem proper. Upon
37 receipt of such petition, the board of county commissioners shall set a
38 date and time for a public hearing on the petition, and notice of such
39 hearing shall be published in some newspaper having general
40 circulation within the districts to be affected once a week for two
41 weeks preceding the time of the hearing. Such hearings may be
42 adjourned from time to time and no further notice is required of such
43 adjourned hearings. In the event any boundaries of fire districts are

1 relocated under this section, the same shall take effect at the beginning
2 of the next succeeding fiscal year after such action is taken.

3 (5) The area of any fire protection district may be increased by including
4 within the boundaries of the district any adjoining territory lying
5 within the corporate limits of the city if the territory is not already
6 included within a fire protection district, provided both the city
7 governing body and the county commissioners of the county or
8 counties in which the fire protection district is located all agree by
9 resolution to such inclusion.

10 (6) Upon the petition of fifteen percent (15%) of the resident free-holders
11 of a fire protection district containing land more than five miles from
12 the nearest fire station, the board or boards of county commissioners,
13 shall call an election to divide the district in order to provide lower
14 taxes for fire protection for property more than five miles from the
15 nearest fire station, in recognition of the reduced services provided to
16 that property as reflected in the higher fire insurance premium ratings.
17 The election shall be called and conducted as provided in G.S. 69-25.2.
18 If a majority of the registered voters vote to divide the district, the
19 commissioners shall divide the district into two or more districts based
20 on five-mile distance increments from the nearest fire station and shall
21 levy a lower tax in those districts located more than five miles away
22 from the fire station."

23 Sec. 2. This act is effective upon ratification.