

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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HOUSE BILL 539

Short Title: Buncombe Annexation Referenda.

(Local)

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Sponsors: Representatives Sherrill, Linney, and Cansler.

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Referred to: Judiciary I.

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March 23, 1995

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR REFERENDA ON ANNEXATION IN BUNCOMBE COUNTY IF REQUESTED BY RESIDENTS OF THE AREA TO BE ANNEXED.

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 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 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.~~ annexed, provided if no later than adjournment of the public hearing, a petition,

1 signed by the owners of twenty-five percent (25%) of the registered voters in the area  
2 proposed to be annexed, is received by the city, opposing the annexation, then the  
3 annexation ordinance shall become effective only if approved by the voters of the area to  
4 be annexed in a referendum conducted under subsection (e1) of this section.

5 The ordinance shall:

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

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

31 "(e1) If a referendum is required under subsection (e) of this section, the city council  
32 shall order the board of elections which conducts elections for that city to call an election  
33 to determine whether or not the proposed territory shall be annexed to the city or town.  
34 Within 90 days after receiving such order from the governing body, the county board of  
35 elections shall proceed to hold an election on the question.

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

- 38 (1) Describe the territory proposed to be annexed to the said city or town as  
39 set out in the order of the said local governing body;
- 40 (2) Provide that the matter of annexation of such territory shall be submitted  
41 to the vote of the qualified voters of the territory proposed to be  
42 annexed; and



1 bonds in an amount sufficient to finance such construction. If authority  
2 to issue such bonds must be secured from the electorate of the  
3 municipality prior to the effective date of annexation, then the effective  
4 date of annexation shall be no earlier than the day following the  
5 statement of the successful result of the bond election.

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

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

10 "(e1) If a referendum is required under subsection (e) of this section, the city council  
11 shall order the board of elections which conducts elections for that city to call an election  
12 to determine whether or not the proposed territory shall be annexed to the city or town.  
13 Within 90 days after receiving such order from the governing body, the county board of  
14 elections shall proceed to hold an election on the question.

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

- 17 (1) Describe the territory proposed to be annexed to the said city or town as  
18 set out in the order of the said local governing body;  
19 (2) Provide that the matter of annexation of such territory shall be submitted  
20 to the vote of the qualified voters of the territory proposed to be  
21 annexed; and  
22 (3) Provide for registration of voters in the territory proposed to be annexed  
23 for said election in accordance with G.S. 163-288.2.

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

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

30 **'[ ] FOR [ ] AGAINST**  
31 **ANNEXATION.'**

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

35 Sec. 5. This act applies only in Buncombe County.

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