

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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HOUSE BILL 770

Short Title: Law Enforcement Service Dist.

(Public)

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Sponsors: Representatives McMahan; Barbee, Berry, Buchanan, Cansler, Clary, Cummings, Dickson, Eddins, Edwards, Grady, Hayes, Lemmond, Linney, K. Miller, Owens, Pulley, Rayfield, Reynolds, Sharpe, Sherrill, Shubert, and C. Wilson.

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Referred to: Judiciary II.

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April 6, 1995

A BILL TO BE ENTITLED

1 AN ACT TO AUTHORIZE THE CREATION OF COUNTY SERVICE DISTRICTS  
2 FOR LAW ENFORCEMENT SERVICES AND TO CHANGE THE  
3 REQUIREMENTS FOR CREATION OF DISTRICTS COVERING THE ENTIRE  
4 UNINCORPORATED AREA OF A COUNTY.  
5

6 The General Assembly of North Carolina enacts:

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

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

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

1 (7) Ambulance and 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;

9 (9) ~~Cemeteries.~~ Cemeteries; and

10 (10) Law enforcement."

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

12 **"§ 153A-302. Definition of service districts.**

13 (a) Standards. – In determining whether to establish a proposed service district, the  
14 board of commissioners shall consider:

15 (1) The resident or seasonal population and population density of the  
16 proposed district;

17 (2) The appraised value of property subject to taxation in the proposed  
18 district;

19 (3) The present tax rates of the county and any cities or special districts in  
20 which the district or any portion thereof is located;

21 (4) The ability of the proposed district to sustain the additional taxes  
22 necessary to provide the services planned for the district;

23 (5) If it is proposed to furnish water, sewer, or solid waste collection  
24 services in the district, the probable net revenues of the projects to be  
25 financed and the extent to which the services will be self-supporting;  
26 and

27 (6) Any other matters that the commissioners believe to have a bearing on  
28 whether the district should be established.

29 The board of commissioners may establish a service district if, upon the information  
30 and evidence it receives, the board finds ~~that that~~:

31 (1) There is a demonstrable need for providing in the district one or more of  
32 the services listed in G.S. 153A-301;

33 (2) It is impossible or impracticable to provide those services on a  
34 countywide basis;

35 (3) It is economically feasible to provide the proposed services in the  
36 district without unreasonable or burdensome annual tax levies; and

37 (4) There is a demonstrable demand for the proposed services by persons  
38 residing in the district.

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

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

- 1 (1) A map of the proposed district, showing its proposed boundaries;
- 2 (2) A statement showing that the proposed district meets the standards set
- 3 out in subsection (a); and
- 4 (3) A plan for providing one or more of the services listed in G.S. 153A-
- 5 301 to the district.

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

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

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

23 (e) Provision of Services on a Countywide Basis. – If the board of commissioners  
24 is creating a service district which covers the entire unincorporated area of the county, the  
25 board of commissioners shall not be required to make the finding set forth in subdivision  
26 (2) of subsection (a) of this section. If the entire unincorporated area is to be included  
27 within a service district, the board of commissioners shall not be required to comply with  
28 the provision contained in subsection (c) of this section that each property owner be  
29 notified by mail, provided that in the alternative the board of commissioners publishes a  
30 notice of the proposal to establish the service district once a week for four successive  
31 weeks prior to the date of the hearing required by subsection (c) of this section."

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