

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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SENATE BILL 19

Short Title: Annexation Referendum.

(Public)

Sponsors: Senators Brock; and Horton.

Referred to: Judiciary I.

February 1, 2005

A BILL TO BE ENTITLED

AN ACT TO RESTORE THE PRE-1959 ANNEXATION LAW BY REQUIRING A REFERENDUM ON ANNEXATION ON PETITION OF THE RESIDENTS BEING ANNEXED, AND TO ALLOW THE CITY TO PROVIDE FOR A REFERENDUM ON ANNEXATION.

The General Assembly of North Carolina enacts:

SECTION 1. Parts 2 and 3 of Article 4A of Chapter 160A of the General Statutes are repealed.

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. Provided, that it shall be essential and necessary to the validity of any ordinance extending the corporate limits of any municipality by annexation, pursuant to this section, to actually 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, and (ii) describe clearly the boundaries of the area under

1 consideration. Then from and after the date of the adoption of such ordinance, unless an
2 election is required as herein provided, the territory and its citizens and property shall be
3 subject to all debts, laws, ordinances, and regulations in force in said city or town and
4 shall be entitled to the same privileges and 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
7 fifteen percent (15%) 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, and the
11 governing body may or may not cause the question to be submitted to the residents of
12 the municipality voting separately. The governing body may, without receipt of a
13 petition, call for a referendum on the question: Provided, however, the governing body
14 of the municipality shall be required to call for a referendum within the municipality if a
15 petition is filed and signed by at least fifteen percent (15%) of the qualified voters
16 residing in the municipality.

17 **"§ 160A-28.3. Extent of participation in referendum; call of election.**

18 Upon receipt of a sufficient petition, or if the board on its own motion determines
19 that a referendum shall be held, the local governing body shall determine whether or not
20 the election will be conducted solely in the area to be annexed or simultaneously with
21 the qualified voters of the municipality and shall order the board of elections of the
22 county in which the municipality is located to call an election to determine whether or
23 not the proposed territory shall be annexed to the city or town. Within 75 days after
24 receiving such order from the governing body, the county board of elections shall
25 proceed to hold an election on the question.

26 **"§ 160A-28.4. Action required by county board of elections; publication of**
27 **resolution as to election; costs of election.**

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

- 30 (1) Describe the territory proposed to be annexed to the said city or town
31 as set out in the order of the said local governing body;
- 32 (2) Provide that the matter of annexation of such territory shall be
33 submitted to the vote of the qualified voters of the territory proposed to
34 be annexed, and if ordered by the local governing body, the qualified
35 voters of said city or town voting separately; and
- 36 (3) Provide for registration of voters in the territory proposed to be
37 annexed for said election in accordance with G.S. 163-288.2.

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

43 **"§ 160A-28.5. Ballots; effect of majority vote for extension.**

1 Ballots, voting systems, or both may be used in accordance with Chapter 163 of the
2 General Statutes. The question to be used in the voting systems and ballots shall be:

3 " **FOR** **AGAINST**

4 Extension."

5 If at such election, a majority of the votes cast from the area proposed for annexation
6 shall be 'For Extension', and, in the event an election is held in the municipality, the
7 majority of the votes cast in the municipality shall also be 'For Extension', then from
8 and after the date of the declaration of the result of such election, the territory and its
9 citizens and property shall be subject to all the debts, laws, ordinances, and regulations
10 in force in said city or town and shall be entitled to the same privileges and benefits as
11 other parts of said city or town. The newly elected territory shall be subject to city taxes
12 as provided by this Article."

13 **SECTION 3.** The title of Part 1 of Article 4A of Chapter 160A of the
14 General Statutes is amended by adding "or Referendum" at the end.

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