

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 124

Short Title: Annexation Referenda.

(Public)

---

Sponsors: Representatives Decker; Allred, Capps, Rayfield, Sexton, Starnes, and Wood.

---

Referred to: Local and Regional Government II, if favorable, Finance.

---

February 12, 1997

A BILL TO BE ENTITLED

1 AN ACT TO RESTORE THE PRE-1959 ANNEXATION LAW BY REQUIRING A  
2 REFERENDUM ON ANNEXATION ON PETITION OF THE RESIDENTS BEING  
3 ANNEXED, AND TO ALLOW THE CITY TO PROVIDE FOR A REFERENDUM  
4 ON ANNEXATION.  
5

6 The General Assembly of North Carolina enacts:

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8 are repealed.

9 Section 2. Part 1 of Article 4A of Chapter 160A of the General Statutes is  
10 amended by adding the following new sections:

11 "**§ 160A-28.1. Procedure for adoption of ordinance extending limits; effect of**  
12 **adoption when no election required; public hearing and notice thereof.**

13 After public notice has been given by publication once a week for four successive  
14 weeks in a newspaper in the county with a general circulation in the municipality, or if  
15 there be no such paper, by posting notice in five or more public places within the  
16 municipality, describing by metes and bounds the territory to be annexed, thus notifying  
17 the owner or owners of the property located in such territory, that a session of the  
18 municipal legislative body will meet for the purpose of considering the annexation of  
19 such territory to the municipality, the governing body of any municipality may adopt an  
20 ordinance extending its corporate limits by annexing thereto any contiguous tract or tracts

1 of land not embraced within the corporate limits of some other municipality. Provided,  
2 that it shall be essential and necessary to the validity of any ordinance extending the  
3 corporate limits of any municipality by annexation, pursuant to this section, to actually  
4 hold a public hearing pursuant to the notice herein required, and that a statement by or on  
5 behalf of the municipal governing body of the purpose or reasons for the proposed  
6 extension of the corporate limits be made at the beginning of the public hearing, and that  
7 reasonable opportunity to be heard be given any who attend such public hearing with  
8 regard thereto. The public notice shall (i) fix the date, hour, and place of the public  
9 hearing, and (ii) describe clearly the boundaries of the area under consideration. Then  
10 from and after the date of the adoption of such ordinance, unless an election is required as  
11 herein provided, the territory and its citizens and property shall be subject to all debts,  
12 laws, ordinances, and regulations in force in said city or town and shall be entitled to the  
13 same privileges and benefits as other parts of said city or town.

14 **"§ 160A-28.2. Referendum on question of extension.**

15 If, at the meeting held for such purpose, a petition is filed and signed by at least  
16 fifteen percent (15%) of the qualified voters resident in the area proposed to be annexed  
17 requesting a referendum on the question, the governing body shall, before passing said  
18 ordinance annexing the territory, submit the question as to whether said territory shall be  
19 annexed to a vote of the qualified voters of the area proposed to be annexed, and the  
20 governing body may or may not cause the question to be submitted to the residents of the  
21 municipality voting separately. The governing body may, without receipt of a petition,  
22 call for a referendum on the question: Provided, however, the governing body of the  
23 municipality shall be required to call for a referendum within the municipality if a  
24 petition is filed and signed by at least fifteen percent (15%) of the qualified voters  
25 residing in the municipality.

26 **"§ 160A-28.3. Extent of participation in referendum; call of election.**

27 Upon receipt of a sufficient petition, or if the board on its own motion determines that  
28 a referendum shall be held, the local governing body shall determine whether or not the  
29 election will be conducted solely in the area to be annexed or simultaneously with the  
30 qualified voters of the municipality, and shall order the board of elections of the county in  
31 which the municipality is located to call an election to determine whether or not the  
32 proposed territory shall be annexed to the city or town. Within 60 days after receiving  
33 such order from the governing body, the county board of elections shall proceed to hold  
34 an election on the question.

35 **"§ 160A-28.4. Action required by county board of elections; publication of  
36 resolution as to election; costs of election.**

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

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

1 annexed, and if ordered by the local governing body, the qualified  
2 voters of said city or town voting separately; and

3 (3) Provide for registration of voters in the territory proposed to be annexed  
4 for said election in accordance with G.S. 163-288.2.

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

10 **"§ 160A-28.5. Ballots; effect of majority vote for extension.**

11 At such election those qualified voters who present themselves to the election officials  
12 at the respective voting places shall be furnished with ballots upon which shall be written  
13 or printed the words 'For Extension' and 'Against Extension'. If at such election a  
14 majority of the votes cast from the area proposed for annexation shall be 'For Extension',  
15 and, in the event an election is held in the municipality, the majority of the votes cast in  
16 the municipality shall also be 'For Extension', then from and after the date of the  
17 declaration of the result of such election, the territory and its citizens and property shall  
18 be subject to all the debts, laws, ordinances, and regulations in force in said city or town  
19 and shall be entitled to the same privileges and benefits as other parts of said city or town.  
20 The newly elected territory shall be subject to city taxes as provided by this Article."

21 Section 3. The title of Part 1 of Article 4A of Chapter 160A of the General  
22 Statutes is amended by adding "or Referendum" at the end.

23 Section 4. This act is effective when it becomes law.