

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 92*

Short Title: Annexation/Municipal Services.

(Public)

Sponsors: Representatives Ellis; Allred, Cansler, Capps, Davis, Hardy, McComas, Sexton, Sherrill, and Starnes.

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

February 11, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO REQUIRE ALL MUNICIPAL SERVICES TO BE PROVIDED TO A
3 NEWLY ANNEXED AREA ON THE DATE OF ANNEXATION.

4 The General Assembly of North Carolina enacts:

5 Section 1. G.S. 160A-35 reads as rewritten:

6 **"§ 160A-35. Prerequisites to annexation; ability to serve; report and plans.**

7 A municipality exercising authority under this Part shall make plans for the extension
8 of services to the area proposed to be annexed and shall, prior to the public hearing
9 provided for in G.S. 160A-37, prepare a report setting forth such plans to provide
10 services to such area. The report shall include:

11 (1) A map or maps of the municipality and adjacent territory to show the
12 following information:

13 a. The present and proposed boundaries of the municipality.

14 b. The proposed extensions of water mains and sewer outfalls to
15 serve the annexed area, if such utilities are operated by the
16 municipality. The water and sewer map must bear the seal of a
17 registered professional engineer or a licensed surveyor.

18 (2) A statement showing that the area to be annexed meets the requirements
19 of G.S. 160A-36.

- 1 (3) A statement setting forth the plans of the municipality for extending to
2 the area to be annexed each major municipal service performed within
3 the municipality at the time of annexation. Specifically, such plans
4 shall:
- 5 a. Provide for extending police protection, fire protection, solid
6 waste collection and street maintenance services to the area to be
7 annexed on the date of ~~annexation on substantially the same basis~~
8 ~~and in the same manner as such services are provided within the rest of~~
9 ~~the municipality prior to annexation.~~ annexation. A contract with a
10 rural fire department to provide fire protection shall be an
11 acceptable method of providing fire protection. If a water
12 distribution system is not available in the area to be annexed, the
13 plans must call for reasonably effective fire protection services
14 until such time as waterlines are made available in such area
15 under existing municipal policies for the extension of waterlines.
16 A contract with a private firm to provide solid waste collection
17 services shall be an acceptable method of providing solid waste
18 collection services.
- 19 b. Provide for extension of water mains and sewer lines into the
20 area to be annexed so that property owners in the area to be
21 annexed will be able to secure public water and sewer ~~services~~
22 ~~according to the policies in effect in such municipality for extending~~
23 ~~water and sewer lines to individual lots or subdivisions.~~ services. If
24 the municipality must, at its own expense, extend water and/or
25 sewer mains into the area to be annexed before property owners
26 in the area can, according to municipal policies, make such
27 connection to such lines, then the plans must call for contracts to
28 be let and construction to begin on such lines within one year
29 following the effective date of annexation.
- 30 c. Set forth the method under which the municipality plans to
31 finance extension of services into the area to be annexed.
- 32 (4) A statement of the impact of the annexation on any rural fire department
33 providing service in the area to be annexed and a statement of the
34 impact of the annexation on fire protection and fire insurance rates in
35 the area to be annexed, if the area where service is provided is in an
36 insurance district designated under G.S. 153A-233, a rural fire
37 protection district under Article 3A of Chapter 69 of the General
38 Statutes, or a fire service district under Article 16 of Chapter 153A of
39 the General Statutes. The rural fire department shall make available to
40 the city not later than 30 days following a written request from the city
41 all information in its possession or control, including but not limited to
42 operational, financial and budgetary information, necessary for
43 preparation of a statement of impact. The rural fire department forfeits

1 its rights under G.S. 160A-37.1 and G.S. 160A-37.2 if it fails to make a
2 good faith response within 45 days following receipt of the written
3 request for information from the city, provided that the city's written
4 request so states by specific reference to this section."

5 Section 2. G.S. 160A-47 reads as rewritten:

6 **"§ 160A-47. Prerequisites to annexation; ability to serve; report and plans.**

7 A municipality exercising authority under this Part shall make plans for the extension
8 of services to the area proposed to be annexed and shall, prior to the public hearing
9 provided for in G.S. 160A-49, prepare a report setting forth such plans to provide
10 services to such area. The report shall include:

11 (1) A map or maps of the municipality and adjacent territory to show the
12 following information:

13 a. The present and proposed boundaries of the municipality.

14 b. The present major trunk water mains and sewer interceptors and
15 outfalls, and the proposed extensions of such mains and outfalls
16 as required in subdivision (3) of this section. The water and
17 sewer map must bear the seal of a registered professional
18 engineer.

19 c. The general land use pattern in the area to be annexed.

20 (2) A statement showing that the area to be annexed meets the requirements
21 of G.S. 160A-48.

22 (3) A statement setting forth the plans of the municipality for extending to
23 the area to be annexed each major municipal service performed within
24 the municipality at the time of annexation. Specifically, such plans
25 shall:

26 a. Provide for extending police protection, fire protection, solid
27 waste collection and street maintenance services to the area to be
28 annexed on the date of ~~annexation on substantially the same basis~~
29 ~~and in the same manner as such services are provided within the rest of~~
30 ~~the municipality prior to annexation.~~ annexation. A contract with a
31 rural fire department to provide fire protection shall be an
32 acceptable method of providing fire protection. If a water
33 distribution system is not available in the area to be annexed, the
34 plans must call for reasonably effective fire protection services
35 until such time as waterlines are made available in such area
36 under existing municipal policies for the extension of waterlines.
37 A contract with a private firm to provide solid waste collection
38 services shall be an acceptable method of providing solid waste
39 collection services.

40 b. Provide for extension of major trunk water mains and sewer
41 outfall lines into the area to be annexed so that when such lines
42 are constructed, property owners in the area to be annexed will
43 be able to secure public water and ~~sewer service, according to the~~

1 ~~policies in effect in such municipality for extending water and sewer~~
2 ~~lines to individual lots or subdivisions.~~ service. If requested by the
3 owner of an occupied dwelling unit or an operating commercial
4 or industrial property in writing on a form provided by the
5 municipality, which form acknowledges that such extension or
6 extensions will be made according to the current financial
7 policies of the municipality for making such extensions, and if
8 such form is received by the city clerk not less than 30 days
9 before adoption of the annexation ordinance, provide for
10 extension of water and sewer lines to the property or to a point on
11 a public street or road right-of-way adjacent to the property
12 according to the financial policies in effect in such municipality
13 for extending water and sewer lines. If any such requests are
14 timely made, the municipality shall at the time of adoption of the
15 annexation ordinance amend its report and plan for services to
16 reflect and accommodate such requests.

17 c. If extension of major trunk water mains, sewer outfall lines,
18 sewer lines and water lines is necessary, set forth a proposed
19 timetable for construction of such mains, outfalls and lines as
20 soon as possible following the effective date of annexation. In
21 any event, the plans shall call for construction to be completed
22 within two years of the effective date of annexation.

23 d. Set forth the method under which the municipality plans to
24 finance extension of services into the area to be annexed.

25 (4) A statement of the impact of the annexation on any rural fire department
26 providing service in the area to be annexed and a statement of the
27 impact of the annexation on fire protection and fire insurance rates in
28 the area to be annexed, if the area where service is provided is in an
29 insurance district designated under G.S. 153A-233, a rural fire
30 protection district under Article 3A of Chapter 69 of the General
31 Statutes, or a fire service district under Article 16 of Chapter 153A of
32 the General Statutes. The rural fire department shall make available to
33 the city not later than 30 days following a written request from the city
34 all information in its possession or control, including but not limited to
35 operational, financial and budgetary information, necessary for
36 preparation of a statement of impact. The rural fire department forfeits
37 its rights under G.S. 160A-49.1 and G.S. 160A-49.2 if it fails to make a
38 good faith response within 45 days following receipt of the written
39 request for information from the city, provided that the city's written
40 request so states by specific reference to this section."

41 Section 3. This act is effective when it becomes law.