

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

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HOUSE BILL 878

Short Title: Buncombe Annexation Referendum.

(Local)

Sponsors: Representatives Walend; Cansler and Sherrill.

Referred to: Finance.

March 29, 2001

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-37(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-35 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-35. 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-36 and which the governing board has concluded should be ~~annexed~~annexed, provided if no later than adjournment of the public hearing, a petition, signed by the owners of twenty-five percent (25%) of the registered voters in the area proposed to be annexed, is received by the city, opposing the annexation, then the annexation ordinance shall become effective only if approved by the voters of the area to be annexed in a referendum conducted under subsection (e1) of this section. The ordinance shall:

- (1) Contain specific findings showing that the area to be annexed meets the requirements of G.S. 160A-36. The external boundaries of the area to be annexed shall be described by metes and bounds. In showing the application of G.S. 160A-36(c) and (d) to the area, the governing board may refer to boundaries set forth on a map of the area and incorporate same by reference as a part of the ordinance.
- (2) A statement of the intent of the municipality to provide services to the area being annexed as set forth in the report required by G.S. 160A-35.

1 (3) A specific finding that on the effective date of annexation the
2 municipality will have funds appropriated in sufficient amount to
3 finance construction of any water and sewer lines found necessary in
4 the report required by G.S. 160A-35 to extend the basic water and/or
5 sewer system of the municipality into the area to be annexed, or that
6 on the effective date of annexation the municipality will have authority
7 to issue bonds in an amount sufficient to finance such construction. If
8 authority to issue such bonds must be secured from the electorate of
9 the municipality prior to the effective date of annexation, then the
10 effective date of annexation shall be no earlier than the day following
11 the statement of the successful result of the bond election.

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

15 **SECTION 2.** G.S. 160A-37 is amended by adding a new subsection to read:

16 "(e1) Conduct of Election. -- If a referendum is required under subsection (e) of
17 this section, the city council shall order the board of elections which conducts elections
18 for that city to call an election to determine whether or not the proposed territory shall
19 be annexed to the city or town. Within 90 days after receiving the order from the
20 governing body, the county board of elections shall proceed to hold an election on the
21 question.

22 The election shall be called by a resolution or resolutions of the county board of
23 elections which shall:

24 (1) Describe the territory proposed to be annexed to the city or town as set
25 out in the order of the local governing body.

26 (2) Provide that the matter of annexation of the territory shall be submitted
27 to the vote of the qualified voters of the territory proposed to be
28 annexed.

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

31 The resolution shall be published in one or more newspapers of the county once a
32 week for 30 days prior to the closing of the registration books. All costs of holding the
33 election shall be paid by the city or town. Except as herein provided, the election shall
34 be held under the same statutes, rules, and regulations as are applicable to elections in
35 the municipality whose corporate limits are being enlarged.

36 In the election, the question on the ballot shall be:

37 ' [] FOR [] AGAINST

38 Annexation.'

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

41 **SECTION 3.** G.S. 160A-49(e) reads as rewritten:

42 "(e) Passage of the Annexation Ordinance. -- The municipal governing board shall
43 take into consideration facts presented at the public hearing and shall have authority to
44 amend the report required by G.S. 160A-47 to make changes in the plans for serving the

1 area proposed to be annexed so long as such changes meet the requirements of G.S.
2 160A-47, provided that if the annexation report is amended to show additional
3 subsections of G.S.160A-48(c) or (d) under which the annexation qualifies that were not
4 listed in the original report, the city must hold an additional public hearing on the
5 annexation not less than 30 nor more than 90 days after the date the report is amended,
6 and notice of such new hearing shall be given at the first public hearing. At any regular
7 or special meeting held no sooner than the tenth day following the public hearing and
8 not later than 90 days following such public hearing, the governing board shall have
9 authority to adopt an ordinance extending the corporate limits of the municipality to
10 include all, or such part, of the area described in the notice of public hearing which
11 meets the requirements of G.S. 160A-48 and which the governing board has concluded
12 should be ~~annexed~~annexed, provided if no later than adjournment of the public hearing,
13 a petition, signed by the owners of twenty-five percent (25%) of the registered voters in
14 the area proposed to be annexed, is received by the city, opposing the annexation, then
15 the annexation ordinance shall become effective only if approved by the voters of the
16 area to be annexed in a referendum conducted under subsection (e1) of this section. The
17 ordinance shall:

- 18 (1) Contain specific findings showing that the area to be annexed meets
19 the requirements of G.S. 160A-48. The external boundaries of the area
20 to be annexed shall be described by metes and bounds. In showing the
21 application of G.S. 160A-48(c) and (d) to the area, the governing
22 board may refer to boundaries set forth on a map of the area and
23 incorporate same by reference as a part of the ordinance.
- 24 (2) A statement of the intent of the municipality to provide services to the
25 area being annexed as set forth in the report required by G.S. 160A-47.
- 26 (3) A specific finding that on the effective date of annexation the
27 municipality will have funds appropriated in sufficient amount to
28 finance construction of any major trunk water mains and sewer outfalls
29 and such water and sewer lines as required in G.S. 160A-47(3)b found
30 necessary in the report required by G.S. 160A-47 to extend the basic
31 water and/or sewer system of the municipality into the area to be
32 annexed, or that on the effective date of annexation the municipality
33 will have authority to issue bonds in an amount sufficient to finance
34 such construction. If authority to issue such bonds must be secured
35 from the electorate of the municipality prior to the effective date of
36 annexation, then the effective date of annexation shall be no earlier
37 than the day following the statement of the successful result of the
38 bond election.
- 39 (4) Fix the effective date for annexation. The effective date of annexation
40 may be fixed for any date not less than 70 days nor more than 400 days
41 from the date of passage of the ordinance."

42 **SECTION 4.** G.S. 160A-49 is amended by adding a new subsection to read:

43 "(e1) Conduct of Election. -- If a referendum is required under subsection (e) of
44 this section, the city council shall order the board of elections which conducts elections

1 for that city to call an election to determine whether or not the proposed territory shall
2 be annexed to the city or town. Within 90 days after receiving the order from the
3 governing body, the county board of elections shall proceed to hold an election on the
4 question.

5 The election shall be called by a resolution or resolutions of the county board of
6 elections which shall:

7 (1) Describe the territory proposed to be annexed to the city or town as set
8 out in the order of the local governing body.

9 (2) Provide that the matter of annexation of the territory shall be submitted
10 to the vote of the qualified voters of the territory proposed to be
11 annexed.

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

14 The resolution shall be published in one or more newspapers of the county once a
15 week for 30 days prior to the closing of the registration books. All costs of holding the
16 election shall be paid by the city or town. Except as herein provided, the election shall
17 be held under the same statutes, rules, and regulations as are applicable to elections in
18 the municipality whose corporate limits are being enlarged.

19 In the election, the question on the ballot shall be:

20 [] FOR [] AGAINST
21 Annexation.'

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

24 **SECTION 5.** This act applies only in Buncombe County.

25 **SECTION 6.** This act is effective when it becomes law.