

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

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HOUSE DRH10604-ST-23 (01/22)

Short Title: Annexation - Moratorium.

(Public)

Sponsors: Representatives Goforth, Brown, Dollar, and Steen (Primary Sponsors).

Referred to:

A BILL TO BE ENTITLED

AN ACT TO ADOPT A MORATORIUM ON INVOLUNTARY ANNEXATIONS, AS
ENDORSED BY THE JOINT LEGISLATIVE STUDY COMMISSION ON MUNICIPAL
ANNEXATION.

The General Assembly of North Carolina enacts:

SECTION 1. No resolution of consideration, resolution of intent, or annexation ordinance may be adopted under Part 2 or 3 of Article 4A of Chapter 160A of the General Statutes from the date this act becomes law until May 31, 2010. If any annexation proceeding has been initiated under those Parts prior to the date this act becomes effective but the annexation ordinance has not yet been adopted, any provision of law requiring any action or notice by the municipality or any person within a certain period of time is tolled during the suspension of authority provided by this section. Nothing in this section shall prohibit municipalities from developing policies, planning, collecting data, or developing materials with respect to potential future annexations under Part 2 or 3 of Article 4A of Chapter 160A.

SECTION 2. An annexation ordinance adopted under Part 2 or 3 of Article 4A of Chapter 160A of the General Statutes that has an effective date on or after the day this act becomes law shall not become effective until May 31, 2010, unless the municipality by ordinance adopts a new effective date later than May 31, 2010, for the annexation ordinance. An annexation ordinance that was adopted under Part 2 or 3 of Article 4A of Chapter 160A of the General Statutes prior to the effective date of this act and is the subject of litigation in any court on the effective date of this act shall not become effective until after May 31, 2010, unless the municipality by ordinance adopts a new effective date later than May 31, 2010, for the annexation ordinance.

SECTION 3. This act shall not apply to any annexation ordinance adopted under Part 2 or 3 of Article 4A of Chapter 160A of the General Statutes that has an effective date on or before the day this act becomes law if the ordinance is not yet effective solely due to section 5 of the Voting Rights Act of 1965.

SECTION 4. If any municipality has adopted its budget ordinance for the 2009-2010 fiscal year prior to the date this act becomes effective and the total amount of assessed valuation estimated in that budget ordinance has been reduced because of this act, the municipality may amend the budget ordinance to account for this act, including establishment of a different tax rate.

SECTION 5. This act becomes effective August 31, 2009.

