

February 11, 2009

S 148. ANNEXATION REFERENDUM. Filed 2/11/09. *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.*

Repeals Part 2 (regarding the annexation by cities with populations of less than 5,000) and Part 3 (regarding the annexation by cities with populations of 5,000 or more) of GS Chapter 160A, Article 4A. Enacts new 160A-28.1 setting out the procedure, including notice requirements, to be followed by a municipality in extending its corporate limits by annexation. Requires that prior to adopting an ordinance extending the corporate limits of a municipality, (1) notice must be posted of the proposed annexation, (2) a public hearing must be held, (3) the municipal governing body must provide a statement of the purpose or reasons for the proposed annexation, and (4) there must be a reasonable opportunity for attendees to be heard at the public hearing.

Enacts new GS 160A-28.2 providing criteria for when there must be a referendum on the question of annexation. Requires the governing body of a municipality to call for a referendum if a petition is filed requesting a referendum that is signed by at least 15% of the qualified voters residing in the municipality. Also permits the governing body to call for a referendum on its own accord, without receipt of a petition.

Enacts new GS 160A-28.3 authorizing the local governing body to determine the extent of participation in the referendum and to order the board of elections of the county in which the municipality is located to call an election to determine whether or not the proposed territory is to be annexed to the city or town.

Enacts new GS 160A-28.4 delineating the procedures to be followed by the county board of elections in holding the election on the question of annexation.

Enacts GS 160A-28.5 presenting specifications for ballot content.

Amends the title of Part 1 of GS Chapter 160A, Article 4A by changing the title to "Extension by Petition or Referendum," (was, Extension by Petition).

Intro. by Brock.

GS 160A