

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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SENATE BILL 27
Finance Committee Substitute Adopted 2/22/11
Finance Committee Substitute #2 Adopted 3/1/11
PROPOSED HOUSE COMMITTEE SUBSTITUTE S27-PCS85229-LB-77

Short Title: Local Annexations Subject to 60% Petition.

(Local)

Sponsors:

Referred to:

February 3, 2011

1 A BILL TO BE ENTITLED
2 AN ACT TO REQUIRE SPECIFIED LOCAL PENDING INVOLUNTARY ANNEXATIONS
3 BE SUBJECT TO A PETITION TO DENY THE ANNEXATION BY PROPERTY
4 OWNERS OF AT LEAST SIXTY PERCENT OF THE PARCELS LOCATED IN THE
5 AREA.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** The following involuntary annexations are suspended effective June
8 1, 2011, and shall not become effective until completion of a petition to disallow the
9 annexation process described in Section 2 of this act.

- 10 (1) Kinston annexation area, as described in House Bill 5, First Edition, 2011
11 Regular Session.
- 12 (2) Lexington annexation area, as described in House Bill 37, First Edition,
13 2011 Regular Session.
- 14 (3) Rocky Mount annexation area, as described in House Bill 56, First Edition,
15 2011 Regular Session.
- 16 (4) Wilmington annexation area, as described in House Bill 180, First Edition,
17 2011 Regular Session.
- 18 (5) Asheville/Biltmore Lake annexation area, as described in House Bill 236,
19 First Edition, 2011 Regular Session.
- 20 (6) Marvin annexation area, as described in RS-2008-02-02, a resolution of the
21 Village of Marvin Council.
- 22 (7) Southport annexation area, known as "Area A" and "Area B," as described in
23 City of Southport Annexation ordinance, adopted June 9, 2011.
- 24 (8) Ayden annexation area, as described in Ayden Ordinance No. 08-09-07 as
25 modified by any applicable Consent Order and Memoranda of
26 Understanding.
- 27 (9) Fayetteville Gates Four annexation area, as described in House Bill 231,
28 First Edition, 2011 Regular Session.

29 **SECTION 2.** Pending Annexation/Petition to Deny Annexation Ordinance. – The
30 annexations described in Section 1 of this act shall be subject to the following petition to deny
31 annexation process:



- 1 (1) Within 30 days of the effective date of this act, the county tax assessor shall
2 prepare a list of the real property parcels within the area to be annexed and a
3 list of the owners of the parcels, and forward the list to the board of elections
4 in the county where a majority of the parcels proposed for annexation are
5 located. The board of elections shall prepare petitions for property owners of
6 the real property located within the area to sign opposing the annexation
7 ordinance.
- 8 (2) A petition shall include the names of the property owners of the parcel of
9 real property listed individually, a signature line for each owner, and a
10 statement that the person signing is petitioning to deny the annexation.
- 11 (3) The board of elections shall mail a petition to the address of record for those
12 real property owners within five business days of receipt from the county tax
13 assessor of the list.
- 14 (4) The board of elections shall provide two methods by which property owners
15 of the real property located within the area described in the annexation
16 ordinance may sign a petition form prepared by the board of elections (i) in
17 person or (ii) by submitting the signed petition form by mail. The board of
18 elections shall also accept signatures signed on a petition form prepared by
19 the board of elections, but collected by another, if that petition form is
20 returned to the board of elections in a sealed container.
- 21 (5) If the signed petition is one that was mailed and the signer is not the same as
22 the preprinted name on the form, the signed petition shall be notarized and
23 accompanied by a copy of the legal authority for the signature of the person
24 signing a petition.
- 25 (6) If a petition is returned as undeliverable to the board of elections, the board
26 of elections shall send the petition return receipt requested. If the petition is
27 returned again, the board of elections shall not include that property owner
28 in the total number of eligible property owners.
- 29 (7) The board of elections shall accept signatures on the petition until 130 days
30 after mailing the petitions under subdivision (3) of this section.
- 31 (8) The determination of the results by the board of elections of the petition
32 period shall be observed by three property owners from the area proposed
33 for annexation, chosen by lot by the board of elections from among those
34 who request to serve in this role, and three persons designated by the
35 municipality. A majority of the property owners of a single parcel of real
36 property must sign the petition before the board of elections may count that
37 parcel as having submitted a petition to deny annexation.
- 38 (9) Within 10 business days after the close of the signature period, the board of
39 elections shall certify to the municipal governing body the number of
40 petitions signed by property owners of the real property located within the
41 area to be annexed.
- 42 (10) If the board of elections delivers to the municipal governing board petitions
43 signed by property owners of at least sixty percent (60%) of the parcels
44 located within the area to be annexed as provided in this section, the
45 annexation shall be terminated, and the municipality may not adopt a
46 resolution of consideration for the area described in the annexation
47 ordinance for at least 36 months.
- 48 (11) The municipality shall reimburse the board of elections the costs of the
49 petition process required under this section.

50 **SECTION 3.** This act is effective when it becomes law.