

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011

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HOUSE BILL 5  
Committee Substitute Favorable 2/10/11  
PROPOSED COMMITTEE SUBSTITUTE H5-PCS11286-RWx-73

Short Title: Local Deannexations.

(Local)

Sponsors:

Referred to:

January 27, 2011

A BILL TO BE ENTITLED

AN ACT TO EXERCISE THE POWER OF THE GENERAL ASSEMBLY UNDER SECTION 1 OF ARTICLE VII OF THE NORTH CAROLINA CONSTITUTION TO FIX THE BOUNDARIES OF CITIES AND GIVE SUCH POWERS TO CITIES AS IT DEEMS ADVISABLE BY DEANNEXING SPECIFIED LOCAL INVOLUNTARY ANNEXATION AREAS, BY REPEALING SPECIFIED INVOLUNTARY ANNEXATION ORDINANCES, AND BY PROHIBITING MUNICIPAL INITIATION OF ANY PROCEDURE TO INVOLUNTARILY ANNEX THOSE AREAS FOR TWELVE YEARS.

The General Assembly of North Carolina enacts:

**SECTION 1.** Deannexation. – Any area affected by an annexation ordinance described in Section 4 of this act that is part of the corporate limits of a municipality on the effective date of this act is hereby removed from that municipality's corporate limits on the effective date of this act. The operation and enforcement of any annexation ordinance described in Section 4 of this act that is pending on the effective date of this act is suspended on and after the effective date of this act.

**SECTION 2.** Repeal annexation ordinances. – All annexation ordinances described in Section 4 of this act are repealed as of the effective date of this act.

**SECTION 3.** Twelve-year prohibition on involuntary annexation. – All areas affected by the annexation ordinances described in Section 4 of this act shall not be subject to any annexation proceeding, other than a voluntary annexation under Part 1 or Part 4 of Article 4A of Chapter 160A of the General Statutes, or local act of the General Assembly, for a period of 12 years from and after the effective date of this act. After the 12-year period, the area may be subject to annexation in accordance with State law effective at that time.

**SECTION 4.** Repealed involuntary annexation ordinances. –

- (1) Kinston annexation ordinance, as described in House Bill 5, First Edition, 2011 Regular Session.
- (2) Lexington annexation ordinance, as described in House Bill 37, First Edition, 2011 Regular Session.
- (3) Rocky Mount annexation ordinance, as described in House Bill 56, First Edition, 2011 Regular Session.
- (4) Wilmington annexation ordinance, described in House Bill 180, First Edition, 2011 Regular Session.



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- 1           (5)     Asheville/Biltmore Lake annexation ordinance, as described in House Bill  
2                 236, First Edition, 2011 Regular Session.
- 3           (6)     Marvin annexation ordinance, affecting the area described in RS  
4                 2008-02-02, a resolution of the Village of Marvin Council.
- 5           (7)     Southport annexation ordinance, affecting "Area A" and "Area B," as  
6                 described in City of Southport annexation ordinance, adopted June 9, 2011.
- 7           (8)     Goldsboro annexation ordinance, affecting the area described in Senate Bill  
8                 314, First Edition, 2011 Regular Session.
- 9           (9)     Fayetteville Gates Four annexation ordinance, as described in House Bill  
10                231, First Edition, 2011 Regular Session.

11           **SECTION 5.** Repeal of 2011 Session Laws. – S.L. 2011-173 and S.L. 2011-177  
12 are repealed.

13           **SECTION 6.** Severability. – If any provision of this act or its application is held  
14 invalid, the invalidity does not affect other provisions or applications of this act that can be  
15 given effect without the invalid provisions or application, and to this end the provisions of this  
16 act are severable.

17           **SECTION 7.** This act becomes effective from and after July 1, 2012.