

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

H

1

HOUSE BILL 159

Short Title: Annexation/Services Provided.

(Public)

Sponsors: Representatives Huffman; Abernethy, Gardner, Holmes, and Privette.

Referred to: Judiciary III.

February 25, 1991

A BILL TO BE ENTITLED

AN ACT TO PREVENT A DIMINUTION IN MAJOR MUNICIPAL SERVICES PROVIDED WITHIN SIX MONTHS PRIOR TO ANNEXATION.

The General Assembly of North Carolina enacts:

Section 1. G.S. 160A-35 reads as rewritten:

"§ 160A-35. Prerequisites to annexation; ability to serve; report and plans.

(a) A municipality exercising authority under this Part shall make plans for the extension of services to the area proposed to be annexed and shall, prior to the public hearing provided for in G.S. 160A-37, prepare a report setting forth such plans to provide services to such area. The report shall include:

(1) A map or maps of the municipality and adjacent territory to show the following information:

a. The present and proposed boundaries of the municipality.

b. The proposed extensions of water mains and sewer outfalls to serve the annexed area, if such utilities are operated by the municipality. The water and sewer map must bear the seal of a registered professional engineer or a licensed surveyor.

(2) A statement showing that the area to be annexed meets the requirements of G.S. 160A-36.

(3) A statement setting forth the plans of the municipality for extending to the area to be annexed each major municipal service performed within the municipality at the time of annexation. Specifically, such plans shall:

- 1 a. Provide for extending police protection, fire protection, solid
2 waste collection and street maintenance services to the area to
3 be annexed on the date of annexation on substantially the same
4 basis and in the same manner as such services are provided
5 within the rest of the municipality prior to annexation. A
6 contract with a rural fire department to provide fire protection
7 shall be an acceptable method of providing fire protection. If a
8 water distribution system is not available in the area to be
9 annexed, the plans must call for reasonably effective fire
10 protection services until such time as waterlines are made
11 available in such area under existing municipal policies for the
12 extension of waterlines. A contract with a private firm to
13 provide solid waste collection services shall be an acceptable
14 method of providing solid waste collection services.
- 15 b. Provide for extension of water mains and sewer lines into the
16 area to be annexed so that property owners in the area to be
17 annexed will be able to secure public water and sewer services
18 according to the policies in effect in such municipality for
19 extending water and sewer lines to individual lots or
20 subdivisions. If the municipality must, at its own expense,
21 extend water and/or sewer mains into the area to be annexed
22 before property owners in the area can, according to municipal
23 policies, make such connection to such lines, then the plans
24 must call for contracts to be let and construction to begin on
25 such lines within one year following the effective date of
26 annexation.
- 27 c. Set forth the method under which the municipality plans to
28 finance extension of services into the area to be annexed.
- 29 (4) A statement of the impact of the annexation on any rural fire
30 department providing service in the area to be annexed and a statement
31 of the impact of the annexation on fire protection and fire insurance
32 rates in the area to be annexed, if the area where service is provided is
33 in an insurance district designated under G.S. 153A-233, a rural fire
34 protection district under Article 3A of Chapter 69 of the General
35 Statutes, or a fire service district under Article 16 of Chapter 153A of
36 the General Statutes. The rural fire department shall make available to
37 the city not later than 30 days following a written request from the city
38 all information in its possession or control, including but not limited to
39 operational, financial and budgetary information, necessary for
40 preparation of a statement of impact. The rural fire department forfeits
41 its rights under G.S. 160A-37.1 and G.S. 160A-37.2 if it fails to make
42 a good faith response within 45 days following receipt of the written
43 request for information from the city, provided that the city's written
44 request so states by specific reference to this section.

1 (b) No ordinance or policy substantially diminishing the participation of a
2 municipality in the construction or financing of major municipal services may apply to
3 an area being annexed if the ordinance or policy became effective after 180 days prior
4 to the date of adoption by the municipality of the resolution giving notice of intent to
5 consider annexing the area under G.S. 160A-37(a)."

6 Sec. 2. G.S. 160A-47 reads as rewritten:

7 **"§ 160A-47. Prerequisites to annexation; ability to serve; report and plans.**

8 (a) A municipality exercising authority under this Part shall make plans for the
9 extension of services to the area proposed to be annexed and shall, prior to the public
10 hearing provided for in G.S. 160A-49, prepare a report setting forth such plans to
11 provide services to such area. The report shall include:

12 (1) A map or maps of the municipality and adjacent territory to show the
13 following information:

- 14 a. The present and proposed boundaries of the municipality.
15 b. The present major trunk water mains and sewer interceptors and
16 outfalls, and the proposed extensions of such mains and outfalls
17 as required in subdivision (3) of this section. The water and
18 sewer map must bear the seal of a registered professional
19 engineer.
20 c. The general land use pattern in the area to be annexed.

21 (2) A statement showing that the area to be annexed meets the
22 requirements of G.S. 160A-48.

23 (3) A statement setting forth the plans of the municipality for extending to
24 the area to be annexed each major municipal service performed within
25 the municipality at the time of annexation. Specifically, such plans
26 shall:

- 27 a. Provide for extending police protection, fire protection, solid
28 waste collection and street maintenance services to the area to
29 be annexed on the date of annexation on substantially the same
30 basis and in the same manner as such services are provided
31 within the rest of the municipality prior to annexation. A
32 contract with a rural fire department to provide fire protection
33 shall be an acceptable method of providing fire protection. If a
34 water distribution system is not available in the area to be
35 annexed, the plans must call for reasonably effective fire
36 protection services until such time as waterlines are made
37 available in such area under existing municipal policies for the
38 extension of waterlines. A contract with a private firm to
39 provide solid waste collection services shall be an acceptable
40 method of providing solid waste collection services.
41 b. Provide for extension of major trunk water mains and sewer
42 outfall lines into the area to be annexed so that when such lines
43 are constructed, property owners in the area to be annexed will
44 be able to secure public water and sewer service, according to

1 the policies in effect in such municipality for extending water
2 and sewer lines to individual lots or subdivisions. If requested
3 by the owner of an occupied dwelling unit or an operating
4 commercial or industrial property in writing on a form provided
5 by the municipality, which form acknowledges that such
6 extension or extensions will be made according to the current
7 financial policies of the municipality for making such
8 extensions, and if such form is received by the city clerk not
9 less than 30 days before adoption of the annexation ordinance,
10 provide for extension of water and sewer lines to the property or
11 to a point on a public street or road right-of-way adjacent to the
12 property according to the financial policies in effect in such
13 municipality for extending water and sewer lines. If any such
14 requests are timely made, the municipality shall at the time of
15 adoption of the annexation ordinance amend its report and plan
16 for services to reflect and accommodate such requests.

17 c. If extension of major trunk water mains, sewer outfall lines,
18 sewer lines and water lines is necessary, set forth a proposed
19 timetable for construction of such mains, outfalls and lines as
20 soon as possible following the effective date of annexation. In
21 any event, the plans shall call for construction to be completed
22 within two years of the effective date of annexation.

23 d. Set forth the method under which the municipality plans to
24 finance extension of services into the area to be annexed.

25 (4) A statement of the impact of the annexation on any rural fire
26 department providing service in the area to be annexed and a statement
27 of the impact of the annexation on fire protection and fire insurance
28 rates in the area to be annexed, if the area where service is provided is
29 in an insurance district designated under G.S. 153A-233, a rural fire
30 protection district under Article 3A of Chapter 69 of the General
31 Statutes, or a fire service district under Article 16 of Chapter 153A of
32 the General Statutes. The rural fire department shall make available to
33 the city not later than 30 days following a written request from the city
34 all information in its possession or control, including but not limited to
35 operational, financial and budgetary information, necessary for
36 preparation of a statement of impact. The rural fire department forfeits
37 its rights under G.S. 160A-49.1 and G.S. 160A-49.2 if it fails to make
38 a good faith response within 45 days following receipt of the written
39 request for information from the city, provided that the city's written
40 request so states by specific reference to this section.

41 (b) No ordinance or policy substantially diminishing the participation of a
42 municipality in the construction or financing of major municipal services may apply to
43 an area being annexed if the ordinance or policy became effective after 180 days prior

1 to the date of adoption by the municipality of the resolution giving notice of intent to
2 consider annexing the area under G.S. 160A-37(a)."

3 Sec. 3. This act is effective upon ratification and applies to resolutions of
4 intent adopted on or after March 1, 1992.