

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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SENATE BILL 32*
House Committee Substitute Reported Without Prejudice 7/13/05
House Committee Substitute #2 Favorable 7/19/05

Short Title: Fire Service District Tax Rate. (Public)

Sponsors:

Referred to:

February 2, 2005

A BILL TO BE ENTITLED

AN ACT TO ALLOW COUNTIES IN CERTAIN DEFINED CIRCUMSTANCES TO REMOVE TERRITORY FROM AN EXISTING FIRE PROTECTION TAX DISTRICT AND ESTABLISH A NEW DISTRICT FOR SUCH PROPERTY WITH AN AD VALOREM TAX CEILING.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 153A of the General Statutes is amended by adding a new section to read:

"§ 153A-309.3. Rate limitation in certain districts.

(a) Any area in a service district for fire protection established pursuant to G.S. 153A-301(a)(2) may be removed from that district by resolution of the county board of commissioners and a new service district simultaneously created for the area so removed if the area is an industrial facility (and appurtenant land and structures):

(1) Subject to a contract not to annex by a municipality under which the owner of the industrial property is obligated to make payments in lieu of taxes equal to or in excess of fifty percent (50%) of the taxes such industry would pay if it were annexed and is current in making such payments.

(2) Actively served by an industrial fire brigade which meets the standards of the National Fire Protection Association and the requirements of the North Carolina Occupational Safety and Health Standards for General Industry (Title 29 Code of Federal Regulations Part 1910 incorporated by reference in 13 NCAC 07F .0101) for industrial fire brigades.

(b) Prior to removing such area from the service district and simultaneously creating a new district of that same area, the board shall hold a public hearing. Notice of the hearing shall state the date, hour, and place of the hearing and its subject. The notice shall be published at least once not less than one week before the date of the hearing. In addition, the notice shall be mailed at least two weeks before the date of the hearing to

1 the owners as shown by the county tax records as of the preceding January 1 of all
2 property located within the area to be removed and a new district created. The notice
3 may be mailed by any class of U.S. mail which is fully prepaid. The person designated
4 by the board to mail the notice shall certify to the board that the mailing has been
5 completed, and his certificate shall be conclusive in the absence of fraud.

6 (c) In any district created under this section from area removed from an existing
7 district, the county may not levy or collect property taxes for the purpose of financing
8 fire protection pursuant to this Article in excess of a rate of three and one-half cents
9 (3.5¢) on each one hundred dollars (\$100.00) of property valuation subject to taxation.

10 (d) If any district established under this section ceases to meet the tests
11 established by subdivisions (a)(1) and (a)(2) of this section, the board of commissioners
12 may by resolution abolish that district and annex that territory to the district from which
13 it was removed after a public hearing under the same provisions as set out in subsection
14 (b) of this section.

15 (e) Any resolutions adopted under this section become effective the first day of
16 July following their adoption."

17 **SECTION 2.** This act is effective when it becomes law.