

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

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HOUSE BILL 314

Short Title: Annexing Across County Lines. (Public)

Sponsors: Representatives Brown, Tillis (Primary Sponsors); Allred, Cleveland, Folwell, Howard, Hurley, Justus, Langdon, Randleman, and Starnes.

Referred to: Rules, Calendar, and Operations of the House, if favorable, Judiciary I.

February 26, 2009

1 A BILL TO BE ENTITLED  
2 AN ACT TO PROVIDE THAT MUNICIPALITIES MAY NOT ANNEX INTO ANOTHER  
3 COUNTY WITHOUT THE APPROVAL OF THE BOARD OF COMMISSIONERS OF  
4 THAT COUNTY.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** G.S. 160A-37 is amended by adding a new subsection to read:

7 "(d1) As used in this subsection, "primary county" means in the case of a municipality  
8 located in only one county, the county in which it is located, and in the case of a municipality  
9 located in more than one county, the county in which the greatest part of its land area is located.  
10 No municipality may annex any territory in a county other than its primary county without the  
11 approval of the annexation by the board of commissioners of the county in which the  
12 annexation is proposed. Such approval may only be granted after a public hearing by that  
13 county board of commissioners, conducted at least 25 days after advertisement. Such approval  
14 may be obtained at any time prior to adoption of the annexation ordinance. This subsection  
15 does not authorize any annexation prohibited by local act. Approval under this subsection is in  
16 addition to any other requirement of this Part."

17 **SECTION 2.** G.S. 160A-49 is amended by adding a new subsection to read:

18 "(d1) As used in this subsection, "primary county" means in the case of a municipality  
19 located in only one county, the county in which it is located, and in the case of a municipality  
20 located in more than one county, the county in which the greatest part of its land area is located.  
21 No municipality may annex any territory in a county other than its primary county without the  
22 approval of the annexation by the board of commissioners of the county in which the  
23 annexation is proposed. Such approval may only be granted after a public hearing by that  
24 county board of commissioners, conducted at least 25 days after advertisement. Such approval  
25 may be obtained at any time prior to adoption of the annexation ordinance. This subsection  
26 does not authorize any annexation prohibited by local act. Approval under this subsection is in  
27 addition to any other requirement of this Part."

28 **SECTION 3.** This act is effective when it becomes law and applies to any  
29 annexation for which an annexation ordinance had not yet been adopted as of that date.

