

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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SENATE BILL 773
Second Edition Engrossed 5/6/93

Short Title: Durham Annexation Ordinances.

(Local)

Sponsors: Senators Gulley; and Hunt.

Referred to: Local Government and Regional Affairs.

April 8, 1993

A BILL TO BE ENTITLED

AN ACT AMENDING THE CHARTER OF THE CITY OF DURHAM
CONCERNING THE EFFECTIVE DATES OF ORDINANCES ANNEXING
TERRITORY TO THE CITY AND ANNEXATIONS BY PETITION, AND
CONCERNING ANNEXATION BOUNDARIES.

The General Assembly of North Carolina enacts:

Section 1. The Charter of the City of Durham, being Chapter 671, Session
Laws of 1975, is amended by adding the following new sections:

"Section 2.3. Effective date of annexation ordinances.

(a) The provisions of G.S. 160A-31(d), 160A-58.2, and 160A-58.7
notwithstanding, the city council may make annexation ordinances adopted pursuant to
Parts 1 or 4 of Article 4A of Chapter 160A of the General Statutes effective on any
specified date within three years from the date of passage of the annexation ordinance.

(b) The provisions of G.S. 160A-49(e)(4) notwithstanding, the city council may
fix the effective date of annexation ordinances adopted pursuant to Part 3 of Article 4A
of Chapter 160A of the General Statutes for any date not less than 40 days nor more
than three years from the date of passage of the ordinances.

(c) An annexation ordinance adopted pursuant to Article 4A of Chapter 160A of
the General Statutes or this Charter may be amended by ordinance at any time prior to
the effective date of such ordinance to change the effective date of the ordinance to any
other date permitted by general law or this Charter. Such ordinance amending the
ordinance may be adopted at any regular or special meeting of the city council and
requires seven affirmative votes for passage. If the ordinance is to delay the effective

1 date, no notice, public hearing, or other procedural requirement of Article 4A of Chapter
2 160A of the General Statutes, other than G.S. 160A-29, 160A-51, and 160A-58.8 as
3 applicable, applies to the adoption of such an ordinance. If the ordinance is to advance
4 the effective date, notice of the proposed ordinance shall be given and a public hearing
5 on the proposed ordinance shall be held under the same procedure required for the
6 original annexation, but:

7 (1) With only the requirement of information in the notice and at the
8 hearing as to the area to be affected and the adopted effective date and
9 proposed new effective date; and

10 (2) No other procedural requirement of Article 4A of Chapter 160A of the
11 General Statutes, except for G.S. 160A-29, 160A-51, and 160A-58.8
12 as applicable, applies to the adoption of such an ordinance amendment.

13 (d) Any annexation ordinance adopted pursuant to Article 4A of Chapter 160A of
14 the General Statutes or this Charter may be repealed by ordinance at any time prior to
15 the effective date of the ordinance.

16 "Sec. 2.4. **Annexation petition signatures.** A petition for annexation of property
17 submitted pursuant to G.S. 160A-31 need not be signed by any owner of real property
18 that is wholly exempt from property taxation under the Constitution and laws of North
19 Carolina, nor by railroad companies, public utilities as defined in G.S. 62-3(23), or
20 electric or telephone membership corporations."

21 Sec. 2. **Use of property lines as annexation boundaries.** The provisions of
22 G.S. 160A-48(e) notwithstanding, the City may use property lines rather than
23 topographic features as annexation boundaries.

24 Sec. 3. This act is effective upon ratification.