

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

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HOUSE DRH10627-RW-22 (03/11)

Short Title: Annexation/Meaningful Services.

(Public)

Sponsors: Representative Brown.

Referred to:

A BILL TO BE ENTITLED  
AN ACT TO REQUIRE MUNICIPALITIES TO PROVIDE MEANINGFUL SERVICES TO  
NEWLY ANNEXED AREAS.

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 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:
  - a. Provide for extending police protection, fire protection, solid waste collection and street maintenance services to the area to be annexed on the date of annexation ~~on substantially the same basis and in the same manner as such services are provided within the rest of the municipality prior to annexation.~~ A contract with a rural fire department to provide fire protection shall be an acceptable method of providing fire protection. If a water distribution system is not available in the area to be annexed, the plans must call for reasonably effective fire protection services until such time as waterlines are made available in such area under existing municipal policies for the extension of waterlines. A contract with a private firm to provide solid waste collection services shall be an acceptable method of providing solid waste collection services.



- 1                   b.     Provide for complete and operational extension of water mains and  
2                   sewer lines into the area to be annexed to the property lines of each  
3                   parcel annexed, within two years of the effective date of the  
4                   annexation. ~~so that property owners in the area to be annexed will be~~  
5                   ~~able to secure public water and sewer services according to the~~  
6                   ~~policies in effect in such municipality for extending water and sewer~~  
7                   ~~lines to individual lots or subdivisions. If the municipality must, at its~~  
8                   ~~own expense, extend water and/or sewer mains into the area to be~~  
9                   ~~annexed before property owners in the area can, according to~~  
10                   ~~municipal policies, make such connection to such lines, then the~~  
11                   ~~plans must call for contracts to be let and construction to begin on~~  
12                   ~~such lines within one year following the effective date of annexation.~~  
13                   ~~In areas where the installation of sewer is not economically feasible~~  
14                   ~~due to the unique topography of the area, the municipality may agree~~  
15                   ~~to provide septic system maintenance and repair service until such~~  
16                   ~~time as sewer service is provided to properties similarly situated.~~  
17                   c.     Set forth the method under which the municipality plans to finance  
18                   extension of services into the area to be annexed.
- 19           (4)     A statement of the impact of the annexation on any rural fire department  
20           providing service in the area to be annexed and a statement of the impact of  
21           the annexation on fire protection and fire insurance rates in the area to be  
22           annexed, if the area where service is provided is in an insurance district  
23           designated under G.S. 153A-233, a rural fire protection district under Article  
24           3A of Chapter 69 of the General Statutes, or a fire service district under  
25           Article 16 of Chapter 153A of the General Statutes. The rural fire  
26           department shall make available to the city not later than 30 days following a  
27           written request from the city all information in its possession or control,  
28           including but not limited to operational, financial and budgetary information,  
29           necessary for preparation of a statement of impact. The rural fire department  
30           forfeits its rights under G.S. 160A-37.1 and G.S. 160A-37.2 if it fails to  
31           make a good faith response within 45 days following receipt of the written  
32           request for information from the city, provided that the city's written request  
33           so states by specific reference to this section.
- 34           (5)     A statement showing how the proposed annexation will affect the city's  
35           finances and services, including city revenue change estimates. This  
36           statement shall be delivered to the clerk of the board of county  
37           commissioners at least 30 days before the date of the public informational  
38           meeting on any annexation under this Part.
- 39           (6)     If services are not provided as required by this section, any property owner  
40           subject to the annexation may file an action in superior court to have the  
41           annexation declared void."

42           **SECTION 2.** G.S. 160A-47 reads as rewritten:

43           **"§ 160A-47. Prerequisites to annexation; ability to serve; report and plans.**

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

- 48           (1)     A map or maps of the municipality and adjacent territory to show the  
49           following information:  
50           a.     The present and proposed boundaries of the municipality.

- 1           b.       The present major trunk water mains and sewer interceptors and  
2                outfalls, and the proposed extensions of such mains and outfalls as  
3                required in subdivision (3) of this section. The water and sewer map  
4                must bear the seal of a registered professional engineer.
- 5           c.       The general land use pattern in the area to be annexed.
- 6       (2)       A statement showing that the area to be annexed meets the requirements of  
7                G.S. 160A-48.
- 8       (3)       A statement setting forth the plans of the municipality for extending to the  
9                area to be annexed each major municipal service performed within the  
10               municipality at the time of annexation. Specifically, such plans shall:
- 11           a.       Provide for extending police protection, fire protection, solid waste  
12                collection and street maintenance services to the area to be annexed  
13                on the date of ~~annexation on substantially the same basis and in the~~  
14                ~~same manner as such services are provided within the rest of the~~  
15                ~~municipality prior to annexation.~~ A contract with a rural fire  
16                department to provide fire protection shall be an acceptable method  
17                of providing fire protection. If a water distribution system is not  
18                available in the area to be annexed, the plans must call for reasonably  
19                effective fire protection services until such time as waterlines are  
20                made available in such area under existing municipal policies for the  
21                extension of waterlines. A contract with a private firm to provide  
22                solid waste collection services shall be an acceptable method of  
23                providing solid waste collection services.
- 24           b.       Provide for complete and operational extension of water mains and  
25                sewer lines into the area to be annexed to the property lines of each  
26                parcel annexed, within two years of the effective date of the  
27                annexation. ~~extension of major trunk water mains and sewer outfall~~  
28                ~~lines into the area to be annexed so that when such lines are~~  
29                ~~constructed, property owners in the area to be annexed will be able to~~  
30                ~~secure public water and sewer service, according to the policies in~~  
31                ~~effect in such municipality for extending water and sewer lines to~~  
32                ~~individual lots or subdivisions. If requested by the owner of an~~  
33                ~~occupied dwelling unit or an operating commercial or industrial~~  
34                ~~property in writing on a form provided by the municipality, which~~  
35                ~~form acknowledges that such extension or extensions will be made~~  
36                ~~according to the current financial policies of the municipality for~~  
37                ~~making such extensions, and if such form is received by the city~~  
38                ~~clerk no later than five days after the public hearing, provide for~~  
39                ~~extension of water and sewer lines to the property or to a point on a~~  
40                ~~public street or road right-of-way adjacent to the property according~~  
41                ~~to the financial policies in effect in such municipality for extending~~  
42                ~~water and sewer lines. If any such requests are timely made, the~~  
43                ~~municipality shall at the time of adoption of the annexation ordinance~~  
44                ~~amend its report and plan for services to reflect and accommodate~~  
45                ~~such requests, if an amendment is necessary. In areas where the~~  
46                ~~municipality is required to extend sewer service according to its~~  
47                ~~policies, but the installation of sewer is not economically feasible due~~  
48                ~~to the unique topography of the area, the municipality shall provide~~  
49                ~~septic system maintenance and repair service until such time as sewer~~  
50                ~~service is provided to properties similarly situated.~~

- 1 c. If extension of major trunk water mains, sewer outfall lines, sewer  
2 lines and water lines is necessary, set forth a proposed timetable for  
3 construction of such mains, outfalls and lines as soon as possible  
4 following the effective date of annexation. In any event, the plans  
5 shall call for construction to be completed within two years of the  
6 effective date of annexation.
- 7 d. Set forth the method under which the municipality plans to finance  
8 extension of services into the area to be annexed.

9 (4) A statement of the impact of the annexation on any rural fire department  
10 providing service in the area to be annexed and a statement of the impact of  
11 the annexation on fire protection and fire insurance rates in the area to be  
12 annexed, if the area where service is provided is in an insurance district  
13 designated under G.S. 153A-233, a rural fire protection district under Article  
14 3A of Chapter 69 of the General Statutes, or a fire service district under  
15 Article 16 of Chapter 153A of the General Statutes. The rural fire  
16 department shall make available to the city not later than 30 days following a  
17 written request from the city all information in its possession or control,  
18 including but not limited to operational, financial and budgetary information,  
19 necessary for preparation of a statement of impact. The rural fire department  
20 forfeits its rights under G.S. 160A-49.1 and G.S. 160A-49.2 if it fails to  
21 make a good faith response within 45 days following receipt of the written  
22 request for information from the city, provided that the city's written request  
23 so states by specific reference to this section.

24 (5) A statement showing how the proposed annexation will affect the city's  
25 finances and services, including city revenue change estimates. This  
26 statement shall be delivered to the clerk of the board of county  
27 commissioners at least 30 days before the date of the public informational  
28 meeting on any annexation under this Part.

29 (6) If services are not provided as required by this section, any property owner  
30 subject to the annexation may file an action in superior court to have the  
31 annexation declared void."

32 **SECTION 3.** This act becomes effective October 1, 2009.