

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

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HOUSE DRH60644-LR-153A (3/27)

Short Title: Local ETJs/Delay Monroe Vote.

(Local)

Sponsors: Representative Gibson.

Referred to:

A BILL TO BE ENTITLED

AN ACT PROVIDING THAT THE TOWNS OF MARSHVILLE AND WINGATE MAY EXERCISE EXTRATERRITORIAL JURISDICTION OVER AN AREA EXTENDING ONE MILE FROM THEIR RESPECTIVE LIMITS WITHOUT THE APPROVAL OF THE UNION COUNTY BOARD OF COMMISSIONERS AND PROVIDING FOR A DELAY OF THE MONROE CITY REFERENDUM AUTHORIZED BY S.L. 2005-261.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 160A-360(a) reads as rewritten:

"(a) All of the powers granted by this Article may be exercised by any city within its corporate limits. In addition, any city may exercise these powers within a defined area extending not more than one mile beyond its limits. ~~With the approval of the board or boards of county commissioners with jurisdiction over the area, a city of 10,000 or more population but less than 25,000 may exercise these powers over an area extending not more than two miles beyond its limits and a city of 25,000 or more population may exercise these powers over an area extending not more than three miles beyond its limits.~~ The boundaries of the city's extraterritorial jurisdiction shall be the same for all powers conferred in this Article. No city may exercise extraterritorially any power conferred by this Article that it is not exercising within its corporate limits. ~~In determining the population of a city for the purposes of this Article, the city council and the board of county commissioners may use the most recent annual estimate of population as certified by the Secretary of the North Carolina Department of Administration.~~"

SECTION 2. Section 1(a) of S.L. 2005-261 reads as rewritten:

"**SECTION 1.(a)** Authority; Vote. – If the majority of those voting on the question pursuant to this section vote for the levy of the tax, the Monroe City Council may, by ordinance, levy a prepared food and beverages tax of up to one percent (1%) of the sales

1 price of prepared food and beverages sold within the City of Monroe at retail for
2 consumption on or off the premises by a retailer subject to sales tax under
3 G.S. 105-164(a)(1). This tax is in addition to State and local sales tax.

4 The Monroe City Council may direct the county board of elections to submit to the
5 qualified voters of the city during any election held in 2006 or 2007 the question of
6 whether to levy a local prepared food and beverages tax of one percent (1%) as
7 provided in this section. The election must be held on a date jointly agreed upon by the
8 board of elections and city council and held in accordance with Chapter 163 of the
9 General Statutes. The question to be used in the voting systems and ballots shall be:

10 For Against

11 One percent (1%) local prepared food and beverages tax, in addition to the current
12 local sales and use taxes, to be used for the Civic Center Project for the City of
13 Monroe."

14 **SECTION 3.** Section 1 of this act applies to the Towns of Marshville and
15 Wingate only. Section 2 of this act applies to the City of Monroe only.

16 **SECTION 4.** This act is effective when it becomes law.