

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

H

1

HOUSE BILL 1382

Short Title: Annexation - Vote of Citizens. (Public)

Sponsors: Representatives Jones; Lewis and Starnes.

Referred to: Judiciary II, if favorable, Finance.

April 13, 2009

1 A BILL TO BE ENTITLED  
2 AN ACT TO REQUIRE A VOTE OF THE CITIZENS OF MUNICIPALITIES WITH A  
3 POPULATION OF ONE HUNDRED FIFTY THOUSAND OR LESS PRIOR TO AN  
4 INVOLUNTARY ANNEXATION BECOMING EFFECTIVE.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** G.S. 160A-37(f) reads as rewritten:

7 "(f) Effect of Annexation Ordinance. – No annexation ordinance may take effect until a  
8 vote of the people affected by the proposed annexation has been conducted by the appropriate  
9 board of elections, and the results certified indicate that more than fifty percent (50%) of the  
10 voters approve the annexation. Except as provided in subsection (f1) of this section, from and  
11 after the effective date of the annexation ordinance, the territory and its citizens and property  
12 shall be subject to all debts, laws, ordinances and regulations in force in such municipality and  
13 shall be entitled to the same privileges and benefits as other parts of such municipality. Real  
14 and personal property in the newly annexed territory on the January 1 immediately preceding  
15 the beginning of the fiscal year in which the annexation becomes effective is subject to  
16 municipal taxes as provided in G.S. 160A-58.10. If the effective date of annexation falls  
17 between June 1 and June 30, and the effective date of the privilege license tax ordinance of the  
18 annexing municipality is June 1, then businesses in the area to be annexed shall be liable for  
19 taxes imposed in such ordinance from and after the effective date of annexation."

20 **SECTION 2.** G.S. 160A-49(f) reads as rewritten:

21 "(f) Effect of Annexation Ordinance. – No annexation ordinance adopted by the  
22 municipal governing board in a municipality with a population of 5,000 or more people and  
23 less than 150,000 people according to the last decennial census may take effect until a vote of  
24 the people affected by the proposed annexation has been conducted by the appropriate board of  
25 elections, and the results certified indicate that more than fifty percent (50%) of the voters  
26 approve the annexation. Except as provided in subsection (f1) of this section, from and after the  
27 effective date of the annexation ordinance, the territory and its citizens and property shall be  
28 subject to all debts, laws, ordinances and regulations in force in such municipality and shall be  
29 entitled to the same privileges and benefits as other parts of such municipality. Real and  
30 personal property in the newly annexed territory on the January 1 immediately preceding the  
31 beginning of the fiscal year in which the annexation becomes effective is subject to municipal  
32 taxes as provided in G.S. 160A-58.10. Provided that annexed property which is a part of a  
33 sanitary district, which has installed water and sewer lines, paid for by the residents of said  
34 district, shall not be subject to that part of the municipal taxes levied for debt service for the  
35 first five years after the effective date of annexation. If this proviso should be declared by a  
36 court of competent jurisdiction to be in violation of any provision of the federal or State  
37 Constitution, the same shall not affect the remaining provisions of this Part. If the effective date



\* H 1 3 8 2 - V - 1 \*

1 of annexation falls between June 1 and June 30, and the effective date of the privilege license  
2 tax ordinance of the annexing municipality is June 1, then businesses in the area to be annexed  
3 shall be liable for taxes imposed in such ordinances from and after the effective date of  
4 annexation."

5           **SECTION 3.** This act becomes effective July 1, 2009, and applies to annexation  
6 ordinances adopted on or after that date.