

GENERAL ASSEMBLY OF NORTH CAROLINA
1985 SESSION

CHAPTER 502
HOUSE BILL 1383

AN ACT TO ALLOW LEE COUNTY TO CREATE RURAL FIRE PROTECTION DISTRICTS CONTIGUOUS WITH THE BOUNDARIES OF EXISTING COUNTY FIRE SERVICE DISTRICTS, AND TO ANNEX TERRITORY TO RURAL FIRE PROTECTION DISTRICTS.

The General Assembly of North Carolina enacts:

Section 1. Article 3A of Chapter 69 of the General Statutes is amended by adding a new section to read:

"§ 69-25.3A. **Additional means of creation.**—(a) In addition to the methods specified in G.S. 69-25.1 through G.S. 69-25.3, the board of commissioners of a county may create a fire protection district under this Article by passage of a resolution if that proposed district is coterminous with a county service district established for fire protection under Article 16 of Chapter 153A of the General Statutes.

(b) Before the public hearing required by subsection (c), the board shall cause to be prepared a report containing a map of the district. The report shall be available for public inspection in the office of the clerk to the board for at least two weeks before the date of the public hearing.

(c) **Hearing and notice.** The board shall hold a public hearing before adopting any resolution creating a fire protection district under this section. Notice of the hearing shall state the date, hour and place of the hearing and its subject, and shall include a statement that the report required by subsection (b) of this section is available for inspection in the office of the clerk to the board. The notice shall be published at least once not less than two weeks before the hearing. In addition, the notice shall be posted at least two weeks before the date of the hearing in three places within the service district.

(d) In the event that a fire protection district is created under this section, a tax may be levied to take effect at the beginning of the next succeeding fiscal year after such action is taken, provided that if such action is taken prior to August 15, 1985, the county board of commissioners may provide that it shall become effective beginning with the 1985-86 fiscal year.

(e) If any district is created under this section, taxes may be levied as provided by the second paragraph of G.S. 69-25.4."

Sec. 2. Article 3A of Chapter 69 of the General Statutes is amended by adding a new section to read:

"§ 69-25.11A. Additional procedures for annexing area to district.—(a) In addition to the procedures under G.S. 69- 25.11, changes in the area of a fire protection district may be made as follows:

- (1) The area of any fire protection district may be increased by including within the boundaries of the district any adjoining territory which is not within the corporate limits of an incorporated municipality. A proceeding to increase the area of a district may commence at the same time as a proceeding to create that district under G.S. 69- 25.3A.
- (2) Before the public hearing required by subdivision (3), the county board of commissioners shall cause to be prepared a report containing a map of the district and the adjacent territory proposed to be annexed, showing the present and proposed boundaries of the district. The report shall be available for public inspection in the office of the clerk to the board for at least two weeks before the date of the public hearing.
- (3) Hearing and notice. The board shall hold a public hearing before adopting any resolution extending the boundaries of a fire protection district. Notice of the hearing shall state the date, hour and place of the hearing and its subject, and shall include a statement that the report required by subdivision (2) of this section is available for inspection in the office of the clerk to the board. The notice shall be published at least once not less than two weeks before the hearing. In addition, the notice shall be mailed at least two weeks before the date of the hearing by any class of U.S. mail which is fully prepaid to the owners as shown by the county tax records as of the preceding January 1 (and at the address shown thereon) of all property located within the area to be annexed. The person designated by the board to mail the notice shall certify to the board that the mailing has been completed, and the certificate shall be conclusive in the absence of fraud.

(b) In the event the area of any fire protection district is increased under this section, the increase shall take effect at the beginning of the next succeeding fiscal year after such action is taken, provided that if such action is taken prior to August 15, 1985, the county board of commissioners may provide that it shall become effective beginning with the 1985-86 fiscal year."

Sec. 3. This act applies to Lee County only. Sec. 4. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 28th day of June, 1985.