

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

H

1

HOUSE BILL 1161

Short Title: Fire Department Annexation Protection.

(Public)

Sponsors: Representative Jones.

Referred to: Government.

April 11, 1989

A BILL TO BE ENTITLED

AN ACT TO REQUIRE MUNICIPALITIES TO PAY A PROPORTIONATE SHARE OF RURAL FIRE DEPARTMENT DEBT UPON VOLUNTARY ANNEXATION AND TO MAKE TECHNICAL AMENDMENTS TO THE ANNEXATION STATUTES.

The General Assembly of North Carolina enacts:

Section 1. Part 1 of Article 4A of Chapter 160A of the General Statutes is amended by adding a new section to read:

"§ 160A-31.1. Assumption of debt.

(a) If the city has annexed under this Part any area which is served by a rural fire department and which is in:

(1) An insurance district defined under G.S. 153A-233;

(2) A rural fire protection district under Article 3A of Chapter 69 of the General Statutes; or

(3) A fire service district under Article 16 of Chapter 153A of the General Statutes,

then beginning with the effective date of annexation the city shall pay annually a proportionate share of any payments due on any debt (including principal and interest) relating to facilities or equipment of the rural fire department, if the debt was existing at the time of submission of the petition for annexation to the city under this Part.

(b) The annual payments from the city to the rural fire department on such shared debt service shall be calculated as follows:

1 (1) The rural fire department shall certify to the city each year the amount
2 that will be expended for debt service subject to be shared by the city
3 as provided by subsection (a) of this section; and

4 (2) The amount determined under subdivision (1) of this subsection shall
5 be multiplied by the percentage determined by dividing the assessed
6 valuation of the area of the district annexed by the assessed valuation
7 of the entire district, each such valuation to be fixed as of the date the
8 annexation ordinance becomes effective.

9 (c) This section does not apply in any year as to any annexed area(s) for which
10 the payment calculated under this section as to all annexation ordinances adopted under
11 this Part by a city during a particular calendar year does not exceed one hundred dollars
12 (\$100.00).

13 (d) The city and rural fire department shall jointly present a payment schedule to
14 the Local Government Commission for approval and no payment may be made until
15 such schedule is approved."

16 Sec. 2. Part 4 of Article 4A of Chapter 160A of the General Statutes is
17 amended by adding a new section to read:

18 **"§ 160A-58.2A. Assumption of debt.**

19 (a) If the city has annexed under this Part any area which is served by a rural fire
20 department and which is in:

21 (1) An insurance district defined under G.S. 153A-233;

22 (2) A rural fire protection district under Article 3A of Chapter 69 of the
23 General Statutes; or

24 (3) A fire service district under Article 16 of Chapter 153A of the General
25 Statutes,

26 then beginning with the effective date of annexation the city shall pay annually a
27 proportionate share of any payments due on any debt (including principal and interest)
28 relating to facilities or equipment of the rural fire department, if the debt was existing at
29 the time of submission of the petition for annexation to the city under this Part.

30 (b) The annual payments from the city to the rural fire department on such shared
31 debt service shall be calculated as follows:

32 (1) The rural fire department shall certify to the city each year the amount
33 that will be expended for debt service subject to be shared by the city
34 as provided by subsection (a) of this section; and

35 (2) The amount determined under subdivision (1) of this subsection shall
36 be multiplied by the percentage determined by dividing the assessed
37 valuation of the area of the district annexed by the assessed valuation
38 of the entire district, each such valuation to be fixed as of the date the
39 annexation ordinance becomes effective.

40 (c) This section does not apply in any year as to any annexed area(s) for which
41 the payment calculated under this section as to all annexation ordinances adopted under
42 this Part by a city during a particular calendar year does not exceed one hundred dollars
43 (\$100.00).

1 (d) The city and rural fire department shall jointly present a payment schedule to
2 the Local Government Commission for approval and no payment may be made until
3 such schedule is approved."

4 Sec. 3. This act shall become effective with respect to annexation ordinances
5 adopted on or after October 1, 1989.