

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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SENATE BILL 629
House Committee Substitute Favorable 7/28/07

Short Title: Asheville Local Acts.

(Local)

Sponsors:

Referred to:

March 12, 2007

A BILL TO BE ENTITLED

AN ACT TO MAKE CHANGES TO SULLIVAN ACT III.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 160A-312(a), as enacted by Section 1 of S.L. 2005-139, reads as rewritten:

"(a) A city shall have authority to acquire, construct, establish, enlarge, improve, maintain, own, operate, and contract for the operation of any or all of the public enterprises as defined in this Article to furnish services to the city and its citizens and other areas and their citizens located outside the corporate limits of the city. Subject to Part 2 of this Article, a city may acquire, construct, establish, enlarge, improve, maintain, own, and operate any public enterprise outside its corporate limits, within reasonable ~~limitations~~. limitations, but in no case shall a city be held liable for damages to those outside the corporate limits for failure to furnish any public enterprise service."

SECTION 2.(a) G.S. 160A-312(d), as enacted by Section 1 of S.L. 2005-139, reads as rewritten:

"(d) A city shall account for a public enterprise in a separate fund and may not transfer any money from that fund to another except for a capital project fund established for the construction or replacement of assets for that public enterprise. A city may also transfer up to five percent (5%) from that fund for capital projects made necessary by or made ancillary to the construction or replacement of assets for that public enterprise in that fiscal year. Obligations of the public enterprise may be paid out of the separate fund. Obligations shall not include any other fund or line item in the city's budget."

SECTION 2.(b) This section becomes effective July 1, 2012.

SECTION 3. G.S. 160A-31(a), as enacted by Section 2 of S.L. 2005-139, reads as rewritten:

"(a) The governing board of any municipality may annex by ordinance any area contiguous to its boundaries upon presentation to the governing board of a petition signed by the owners of all the real property located within such area. The petition shall

1 be signed by each owner of real property in the area and shall contain the address of
2 each such owner and a statement that the owner's petition for annexation is not based
3 upon any representation by the municipality that a public enterprise service available
4 outside the corporate limits of that municipality would be withheld from the owner's
5 property without the petition for ~~annexation~~. annexation, except that a statement shall
6 not be required of any owner of real property that is within a one-half mile radius of the
7 primary corporate limits and within an area designated as 'region under consideration'
8 on the 'Map of Areas Under Consideration' dated March 2, 2006, and that is to be used
9 for a subdivision or development containing 16 or more lots or units or for a
10 commercial development of 10,000 square feet or more."

11 **SECTION 4.** G.S. 160A-58.1(c), as enacted by Section 3 of S.L. 2005-139,
12 reads as rewritten:

13 "(c) The petition shall contain the names, addresses, and signatures of all owners
14 of real property within the proposed satellite corporate limits (except owners not
15 required to sign by subsection (a)), shall describe the area proposed for annexation by
16 metes and bounds, and shall have attached thereto a map showing the area proposed for
17 annexation with relation to the primary corporate limits of the annexing city. The
18 petition shall also contain a statement from the owner that the owner's petition for
19 annexation is not based upon any representation by the municipality that a public
20 enterprise service available outside the corporate limits of that municipality would be
21 withheld from the owner's property without the petition for ~~annexation~~. annexation,
22 except that a statement shall not be required of any owner of real property that is within
23 a one-half mile radius of the primary corporate limits and within an area designated as
24 'region under consideration' on the 'Map of Areas Under Consideration' dated March 2,
25 2006, and that is to be used for a subdivision or development containing 16 or more lots
26 or units or for a commercial development of 10,000 square feet or more. When there is
27 any substantial question as to whether the area may be closer to another city than to the
28 annexing city, the map shall also show the area proposed for annexation with relation to
29 the primary corporate limits of the other city. The city council may prescribe the form of
30 the petition."

31 **SECTION 5.** G.S. 160A-58.1(b)(5), as amended by S.L. 2007-225, reads as
32 rewritten:

33 "(b) A noncontiguous area proposed for annexation must meet all of the following
34 standards:

35 ...

- 36 (5) The area within the proposed satellite corporate limits, when added to
37 the area within all other satellite corporate limits, may not exceed ten
38 percent (10%) of the area within the primary corporate limits of the
39 annexing city.

40 This subdivision does not apply to the Cities of Asheville,
41 Claremont, Concord, Conover, Durham, Elizabeth City, Gastonia,
42 Greenville, Hickory, Kannapolis, Locust, Marion, Mount Airy, Mount
43 Holly, New Bern, Newton, Oxford, Randleman, Rockingham, Sanford,
44 Salisbury, Southport, Statesville, and Washington and the Towns of

1 Angier, Ayden, Benson, Bladenboro, Burgaw, Calabash, Catawba,
2 Clayton, Columbia, Creswell, Dallas, Dobson, Fuquay-Varina, Garner,
3 Godwin, Grimesland, Holly Ridge, Holly Springs, Kenly, Knightdale,
4 Landis, Leland, Louisburg, Maggie Valley, Maiden, Mayodan,
5 Midland, Mocksville, Morrisville, Pembroke, Pine Level, Princeton,
6 Ranlo, Rolesville, Rutherfordton, Shallotte, Smithfield, Spencer, Stem,
7 Stovall, Surf City, Swansboro, Taylorsville, Troy, Wallace, Warsaw,
8 Waynesville, Wendell, Windsor, Yadkinville, and Zebulon."

9 **SECTION 6.** This act applies to the City of Asheville only.

10 **SECTION 7.** Except as otherwise provided in this act, this act is effective
11 when it becomes law.