

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 159
Committee Substitute Favorable 3/18/91

Short Title: Annexation/Services Provided.

(Public)

Sponsors:

Referred to:

February 25, 1991

A BILL TO BE ENTITLED

AN ACT TO PREVENT A MUNICIPAL ORDINANCE OR POLICY DIMINISHING
WATER OR SEWER SERVICES TO AN ANNEXED AREA WITHIN SIX
MONTHS OF NOTICE OF INTENT TO CONSIDER ANNEXATION.

The General Assembly of North Carolina enacts:

Section 1. G.S. 160A-35 reads as rewritten:

"§ 160A-35. Prerequisites to annexation; ability to serve; report and plans.

(a) A municipality exercising authority under this Part shall make plans for the extension of services to the area proposed to be annexed and shall, prior to the public hearing provided for in G.S. 160A-37, prepare a report setting forth such plans to provide services to such area. The report shall include:

(1) A map or maps of the municipality and adjacent territory to show the following information:

a. The present and proposed boundaries of the municipality.

b. The proposed extensions of water mains and sewer outfalls to serve the annexed area, if such utilities are operated by the municipality. The water and sewer map must bear the seal of a registered professional engineer or a licensed surveyor.

(2) A statement showing that the area to be annexed meets the requirements of G.S. 160A-36.

(3) A statement setting forth the plans of the municipality for extending to the area to be annexed each major municipal service performed within

1 the municipality at the time of annexation. Specifically, such plans
2 shall:

3 a. Provide for extending police protection, fire protection, solid
4 waste collection and street maintenance services to the area to
5 be annexed on the date of annexation on substantially the same
6 basis and in the same manner as such services are provided
7 within the rest of the municipality prior to annexation. A
8 contract with a rural fire department to provide fire protection
9 shall be an acceptable method of providing fire protection. If a
10 water distribution system is not available in the area to be
11 annexed, the plans must call for reasonably effective fire
12 protection services until such time as waterlines are made
13 available in such area under existing municipal policies for the
14 extension of waterlines. A contract with a private firm to
15 provide solid waste collection services shall be an acceptable
16 method of providing solid waste collection services.

17 b. Provide for extension of water mains and sewer lines into the
18 area to be annexed so that property owners in the area to be
19 annexed will be able to secure public water and sewer services
20 according to the policies in effect in such municipality for
21 extending water and sewer lines to individual lots or
22 subdivisions. If the municipality must, at its own expense,
23 extend water and/or sewer mains into the area to be annexed
24 before property owners in the area can, according to municipal
25 policies, make such connection to such lines, then the plans
26 must call for contracts to be let and construction to begin on
27 such lines within one year following the effective date of
28 annexation.

29 c. Set forth the method under which the municipality plans to
30 finance extension of services into the area to be annexed.

31 (4) A statement of the impact of the annexation on any rural fire
32 department providing service in the area to be annexed and a statement
33 of the impact of the annexation on fire protection and fire insurance
34 rates in the area to be annexed, if the area where service is provided is
35 in an insurance district designated under G.S. 153A-233, a rural fire
36 protection district under Article 3A of Chapter 69 of the General
37 Statutes, or a fire service district under Article 16 of Chapter 153A of
38 the General Statutes. The rural fire department shall make available to
39 the city not later than 30 days following a written request from the city
40 all information in its possession or control, including but not limited to
41 operational, financial and budgetary information, necessary for
42 preparation of a statement of impact. The rural fire department forfeits
43 its rights under G.S. 160A-37.1 and G.S. 160A-37.2 if it fails to make
44 a good faith response within 45 days following receipt of the written

1 request for information from the city, provided that the city's written
2 request so states by specific reference to this section.

3 (b) No ordinance or policy substantially diminishing the financial participation of
4 a municipality in the construction of water or sewer facilities required under this Article
5 may apply to an area being annexed unless the ordinance or policy became effective at
6 least 180 days prior to the date of adoption by the municipality of the resolution giving
7 notice of intent to consider annexing the area under G.S. 160A-37(a)."

8 Sec. 2. G.S. 160A-47 reads as rewritten:

9 **"§ 160A-47. Prerequisites to annexation; ability to serve; report and plans.**

10 (a) A municipality exercising authority under this Part shall make plans for the
11 extension of services to the area proposed to be annexed and shall, prior to the public
12 hearing provided for in G.S. 160A-49, prepare a report setting forth such plans to
13 provide services to such area. The report shall include:

14 (1) A map or maps of the municipality and adjacent territory to show the
15 following information:

16 a. The present and proposed boundaries of the municipality.

17 b. The present major trunk water mains and sewer interceptors and
18 outfalls, and the proposed extensions of such mains and outfalls
19 as required in subdivision (3) of this section. The water and
20 sewer map must bear the seal of a registered professional
21 engineer.

22 c. The general land use pattern in the area to be annexed.

23 (2) A statement showing that the area to be annexed meets the
24 requirements of G.S. 160A-48.

25 (3) A statement setting forth the plans of the municipality for extending to
26 the area to be annexed each major municipal service performed within
27 the municipality at the time of annexation. Specifically, such plans
28 shall:

29 a. Provide for extending police protection, fire protection, solid
30 waste collection and street maintenance services to the area to
31 be annexed on the date of annexation on substantially the same
32 basis and in the same manner as such services are provided
33 within the rest of the municipality prior to annexation. A
34 contract with a rural fire department to provide fire protection
35 shall be an acceptable method of providing fire protection. If a
36 water distribution system is not available in the area to be
37 annexed, the plans must call for reasonably effective fire
38 protection services until such time as waterlines are made
39 available in such area under existing municipal policies for the
40 extension of waterlines. A contract with a private firm to
41 provide solid waste collection services shall be an acceptable
42 method of providing solid waste collection services.

43 b. Provide for extension of major trunk water mains and sewer
44 outfall lines into the area to be annexed so that when such lines

1 are constructed, property owners in the area to be annexed will
2 be able to secure public water and sewer service, according to
3 the policies in effect in such municipality for extending water
4 and sewer lines to individual lots or subdivisions. If requested
5 by the owner of an occupied dwelling unit or an operating
6 commercial or industrial property in writing on a form provided
7 by the municipality, which form acknowledges that such
8 extension or extensions will be made according to the current
9 financial policies of the municipality for making such
10 extensions, and if such form is received by the city clerk not
11 less than 30 days before adoption of the annexation ordinance,
12 provide for extension of water and sewer lines to the property or
13 to a point on a public street or road right-of-way adjacent to the
14 property according to the financial policies in effect in such
15 municipality for extending water and sewer lines. If any such
16 requests are timely made, the municipality shall at the time of
17 adoption of the annexation ordinance amend its report and plan
18 for services to reflect and accommodate such requests.

19 c. If extension of major trunk water mains, sewer outfall lines,
20 sewer lines and water lines is necessary, set forth a proposed
21 timetable for construction of such mains, outfalls and lines as
22 soon as possible following the effective date of annexation. In
23 any event, the plans shall call for construction to be completed
24 within two years of the effective date of annexation.

25 d. Set forth the method under which the municipality plans to
26 finance extension of services into the area to be annexed.

27 (4) A statement of the impact of the annexation on any rural fire
28 department providing service in the area to be annexed and a statement
29 of the impact of the annexation on fire protection and fire insurance
30 rates in the area to be annexed, if the area where service is provided is
31 in an insurance district designated under G.S. 153A-233, a rural fire
32 protection district under Article 3A of Chapter 69 of the General
33 Statutes, or a fire service district under Article 16 of Chapter 153A of
34 the General Statutes. The rural fire department shall make available to
35 the city not later than 30 days following a written request from the city
36 all information in its possession or control, including but not limited to
37 operational, financial and budgetary information, necessary for
38 preparation of a statement of impact. The rural fire department forfeits
39 its rights under G.S. 160A-49.1 and G.S. 160A-49.2 if it fails to make
40 a good faith response within 45 days following receipt of the written
41 request for information from the city, provided that the city's written
42 request so states by specific reference to this section.

43 (b) No ordinance or policy substantially diminishing the financial participation of
44 a municipality in the construction of water or sewer facilities required under this Article

1 may apply to an area being annexed unless the ordinance or policy became effective at
2 least 180 days prior to the date of adoption by the municipality of the resolution giving
3 notice of intent to consider annexing the area under G.S. 160A-49(a)."

4 Sec. 3. This act is effective upon ratification and applies to resolutions of
5 intent adopted on or after March 1, 1992.