

**GENERAL ASSEMBLY OF NORTH CAROLINA**

**SESSION 1993**

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SENATE BILL 773

Short Title: Durham Annexation Ordinances.

(Local)

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Sponsors: Senators Gulley; and Hunt.

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Referred to: Local Government and Regional Affairs.

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April 8, 1993

A BILL TO BE ENTITLED

AN ACT AMENDING THE CHARTER OF THE CITY OF DURHAM  
CONCERNING THE EFFECTIVE DATES OF ORDINANCES ANNEXING  
TERRITORY TO THE CITY AND ANNEXATIONS BY PETITION.

The General Assembly of North Carolina enacts:

Section 1. The Charter of the City of Durham, being Chapter 671, Session Laws of 1975, is amended by adding the following new sections:

"Section 2.3. Effective date of annexation ordinances.

(a) The provisions of G.S. 160A-31(d), 160A-58.2, and 160A-58.7 notwithstanding, the city council may make annexation ordinances adopted pursuant to Parts 1 or 4 of Article 4A of Chapter 160A of the General Statutes effective on any specified date within three years from the date of passage of the annexation ordinance.

(b) The provisions of G.S. 160A-49(e)(4) notwithstanding, the city council may fix the effective date of annexation ordinances adopted pursuant to Part 3 of Article 4A of Chapter 160A of the General Statutes for any date not less than 40 days nor more than three years from the date of passage of the ordinances.

(c) An annexation ordinance adopted pursuant to Article 4A of Chapter 160A of the General Statutes or this Charter may be amended by ordinance at any time prior to the effective date of such ordinance to change the effective date of the ordinance to any other date permitted by general law or this Charter. Such ordinance amending the ordinance may be adopted at any regular or special meeting of the city council and requires seven affirmative votes for passage. If the ordinance is to delay the effective date, no notice, public hearing, or other procedural requirement of Article 4A of Chapter 160A of the General Statutes, other than G.S. 160A-29, 160A-51, and 160A-58.8 as

1 applicable, applies to the adoption of such an ordinance. If the ordinance is to advance  
2 the effective date, notice of the proposed ordinance shall be given and a public hearing  
3 on the proposed ordinance shall be held under the same procedure required for the  
4 original annexation, but:

5 (1) With only the requirement of information in the notice and at the  
6 hearing as to the area to be affected and the adopted effective date and  
7 proposed new effective date; and

8 (2) No other procedural requirement of Article 4A of Chapter 160A of the  
9 General Statutes, except for G.S. 160A-29, 160A-51, and 160A-58.8  
10 as applicable, applies to the adoption of such an ordinance amendment.

11 (d) Any annexation ordinance adopted pursuant to Article 4A of Chapter 160A of  
12 the General Statutes or this Charter may be repealed by ordinance at any time prior to  
13 the effective date of the ordinance.

14 "Sec. 2.4. **Annexation petition signatures.** A petition for annexation of property  
15 submitted pursuant to G.S. 160A-31 need not be signed by any owner of real property  
16 that is wholly exempt from property taxation under the Constitution and laws of North  
17 Carolina, nor by railroad companies, public utilities as defined in G.S. 62-3(23), or  
18 electric or telephone membership corporations."

19 Sec. 2. This act is effective upon ratification.