

GENERAL ASSEMBLY OF NORTH CAROLINA
1995 SESSION

CHAPTER 354
HOUSE BILL 770

AN ACT TO AUTHORIZE THE CREATION OF COUNTY SERVICE DISTRICTS
FOR LAW ENFORCEMENT SERVICES AND TO CHANGE THE
REQUIREMENTS FOR CREATION OF DISTRICTS COVERING THE ENTIRE
UNINCORPORATED AREA OF A COUNTY.

The General Assembly of North Carolina enacts:

Section 1. G.S. 153A-301(a) reads as rewritten:

"(a) The board of commissioners of any county may define any number of service districts in order to finance, provide, or maintain for the districts one or more of the following services, facilities and functions in addition to or to a greater extent than those financed, provided or maintained for the entire county:

- (1) Beach erosion control and flood and hurricane protection ~~works;~~
works.
- (2) Fire ~~protection;~~ protection.
- (3) ~~Recreation;~~ Recreation.
- (4) Sewage collection and disposal systems of all types, including septic tank systems or other on-site collection or disposal facilities or ~~systems;~~ systems.
- (5) Solid waste collection and disposal ~~systems;~~ systems.
- (6) Water supply and distribution ~~systems;~~ systems.
- (7) Ambulance and ~~rescue;~~ rescue.
- (8) Watershed improvement projects, including but not limited to watershed improvement projects as defined in General Statutes Chapter 139; drainage projects, including but not limited to the drainage projects provided for by General Statutes Chapter 156; and water resources development projects, including but not limited to the federal water resources development projects provided for by General Statutes Chapter 143, Article ~~21;~~ 21.
- (9) Cemeteries.
- (10) Law enforcement if all of the following apply:
 - a. The population of the county is over five hundred thousand according to the most recent federal decennial census.
 - b. The county has an interlocal agreement with a city in the county under which the city provides law enforcement services in the entire unincorporated area of the county.

c. The county will pay to the city the following percentages of the city-county police department budget if there are no significant changes to the city's statutory annexation authority:

1. 9.60% for fiscal years 1995-96 and 1996-97.
2. 7.60% for fiscal years 1997-98 and 1998-99.
3. 5.60% for fiscal years 1999-2000 and 2000-2001.
4. 3.60% for fiscal years 2001-02 and 2002-03.
5. 1.60% for fiscal years 2003-04 and 2004-05.

Provided, if the difference between the ratio of the population in the unincorporated area to the total population served by the city-county police department and the rate for the current year as stated above is greater than fifteen percent (15%), the the county's agreement to pay such percentages can be amended to reflect that difference."

Sec. 2. G.S. 153A-302 reads as rewritten:

"§ 153A-302. Definition of service districts.

(a) Standards. – In determining whether to establish a proposed service district, the board of commissioners shall ~~consider~~; consider all of the following:

- (1) The resident or seasonal population and population density of the proposed ~~district~~; district.
- (2) The appraised value of property subject to taxation in the proposed ~~district~~; district.
- (3) The present tax rates of the county and any cities or special districts in which the district or any portion thereof is ~~located~~; located.
- (4) The ability of the proposed district to sustain the additional taxes necessary to provide the services planned for the ~~district~~; district.
- (5) If it is proposed to furnish water, sewer, or solid waste collection services in the district, the probable net revenues of the projects to be financed and the extent to which the services will be ~~self-supporting~~; self-supporting.
- (6) Any other matters that the commissioners believe to have a bearing on whether the district should be established.

(a1) Findings. – The board of commissioners may establish a service district if, upon the information and evidence it receives, the board finds ~~that~~ that all of the following apply:

- (1) There is a demonstrable need for providing in the district one or more of the services listed in G.S. ~~153A-301~~; 153A-301.
- (2) It is impossible or impracticable to provide those services on a countywide ~~basis~~; basis.
- (3) It is economically feasible to provide the proposed services in the district without unreasonable or burdensome annual tax ~~levies~~; and levies.
- (4) There is a demonstrable demand for the proposed services by persons residing in the district.

Territory lying within the corporate limits of a city or sanitary district may not be included unless the governing body of the city or sanitary district agrees by resolution to such inclusion.

(b) Report. – Before the public hearing required by subsection (c), the board of commissioners shall cause to be prepared a report containing:

- (1) A map of the proposed district, showing its proposed boundaries;
- (2) A statement showing that the proposed district meets the standards set out in subsection (a); and
- (3) A plan for providing one or more of the services listed in G.S. 153A-301 to the district.

The report shall be available for public inspection in the office of the clerk to the board for at least four weeks before the date of the public hearing.

(c) Hearing and Notice. – The board of commissioners shall hold a public hearing before adopting any resolution defining a new service 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 map of the proposed district and a statement that the report required by subsection (b) is available for public inspection in the office of the clerk to the board. The notice shall be published at least once not less than one week before the date of the hearing. In addition, it shall be mailed at least four 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 proposed district. The person designated by the board to mail the notice shall certify to the board that the mailing has been completed and his certificate is conclusive in the absence of fraud.

(d) Effective Date. – The resolution defining a service district shall take effect at the beginning of a fiscal year commencing after its passage, as determined by the board of commissioners.

(e) Exceptions For Countywide District. – The following requirements do not apply to a board of commissioners that proposes to create a law enforcement service district pursuant to G.S. 153A-301(a)(10) that covers the entire unincorporated area of the county:

- (1) The requirement that the district cannot be created unless the board makes the finding in subdivision (a1)(2) of this section.
- (2) The requirement in subsection (c) of this section to notify each property owner by mail, if the board publishes a notice of its proposal to establish the district, once a week for four successive weeks before the date of the hearing required by that subsection."

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 29th day of June, 1995.

Dennis A. Wicker
President of the Senate

Harold J. Brubaker
Speaker of the House of Representatives