GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2007

SENATE BILL 629 House Committee Substitute Favorable 7/28/07 Third Edition Engrossed 7/30/07

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

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

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

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

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

- "(b) A noncontiguous area proposed for annexation must meet all of the following standards:
 - (5) The area within the proposed satellite corporate limits, when added to the area within all other satellite corporate limits, may not exceed ten percent (10%) of the area within the primary corporate limits of the annexing city.

This subdivision does not apply to the Cities of <u>Asheville</u>, Claremont, Concord, Conover, Durham, Elizabeth City, Gastonia, Greenville, Hickory, Kannapolis, Locust, Marion, Mount Airy, Mount Holly, New Bern, Newton, Oxford, Randleman, Rockingham, Sanford,

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General Assembly of North Carolina		Session 2007
	Salisbury, Southport, Statesville, and Washington and the Tow Angier, Ayden, Benson, Bladenboro, Burgaw, Calabash, Cat Clayton, Columbia, Creswell, Dallas, Dobson, Fuquay-Varina, G Godwin, Grimesland, Holly Ridge, Holly Springs, Kenly, Knigh Landis, Leland, Louisburg, Maggie Valley, Maiden, May Midland, Mocksville, Morrisville, Pembroke, Pine Level, Prin Ranlo, Rolesville, Rutherfordton, Shallotte, Smithfield, Spencer, Stovall, Surf City, Swansboro, Taylorsville, Troy, Wallace, Wa	tawba, farner, ntdale, yodan, ceton, Stem,

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

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

Waynesville, Wendell, Windsor, Yadkinville, and Zebulon."