



SENATE BILL 141: Waynesville Annexation/Referendum

2015-2016 General Assembly

Committee:	Senate Sequential Referral To Finance Added	Date:	May 8, 2015
Introduced by:	Sen. J. Davis	Prepared by:	R. Erika Churchill
Analysis of:	PCS to First Edition S141-CSSTx-46		Committee Counsel

SUMMARY: *The proposed committee substitute for Senate Bill 141 would annex Lake Junaluska Assembly into the Town of Waynesville, upon vote of the affected areas.*

The proposed committee substitute makes a correction to the effective date.

CURRENT LAW: Under Section 1 of Article VII of the NC Constitution, the General Assembly is empowered to "provide for the organization and government and the fixing of boundaries of counties, cities and towns, and other governmental subdivisions, and, except as otherwise prohibited by this Constitution, may give such powers and duties to counties, cities and towns, and other governmental subdivisions as it may deem advisable."

Pursuant to this Section, the General Assembly enacted Article 4A of Chapter 160A of the General Statutes, which governs municipal annexations. Annexation is the method by which municipalities expand the boundaries of the municipality, following certain statutorily prescribed steps in order to add an area into its boundaries. The municipality must provide, or contract to provide, basic services to the area. These services include police protection, fire protection, solid waste collection and the extension of water and sewer lines to the area.

North Carolina law sets forth four basic ways in which a municipality may annex an area.

- Voluntary Annexation. – The owners of all real property in an area contiguous to the municipality desiring to be annexed sign a petition requesting annexation.
- Voluntary Satellite Annexation. – The owners of all real property in the area desiring to be annexed sign a petition requesting annexation, if it otherwise meets the statutory requirements.
- Municipal-Initiated Annexation subject to a referendum. – The municipality initiates annexation proceeding, pursuant to statutory requirements. One of the statutory requirements is a referendum of the city and the proposed annexation area.
- Legislative Act. – The General Assembly has the authority to extend the boundaries of any municipality.

BILL ANALYSIS: The PCS would authorize a November 2, 2015, referendum on the issue of whether the Lake Junaluska Assembly should be annexed into the Town of Waynesville. If a majority of the voters approve of the annexation, the annexation becomes effective on June 30, 2016.

EFFECTIVE DATE: Effective when it becomes law. However, the annexation is effective June 30, 2016, if the voters approve the annexation in the November 2015 referendum.

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BACKGROUND: Lake Junaluska Assembly is an unincorporated community in Haywood County consisting of a 200-acre lake, and a Methodist conference and retreat center which currently provides municipal-type services to approximately 800 residential units within its boundary.