

## What Senate Bill 494 changes:

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### 160A-45:

\*requires that city initiated annexations can only be used to bring municipal services to areas that are proven to have inadequate existing 'health & safety' services which cannot be remedied without intervention by the municipality.

\*Establishes the definition of "meaningful services" and the requirement to show a need for municipal intervention to provide the needed services.

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### 160A-47:

\*adds requirement that the city has successfully completed and delivered all required services in all previous city initiated annexations undertaken by the municipality.

\*affirms the requirement to provide "meaningful services" and that the annexed area is "an area in need of meaningful services" as defined by law.

\*requires full installation of all water & sewer infrastructure needed to make these services available to each property in the annexed area.

\*requires provision of water & sewer services to qualify as eligible to use "city initiated" annexation.

\*repeals the use of contracts with county sheriffs for provision of policing in the annexed area.

\*limits contracts with volunteer fire department to the 3 year time frame given to provide municipal water and sewer infrastructure.

\*allows contracts with private waste haulers in annexed area only if such contracts have been in place to provide solid waste collection for the entire municipality prior to the city initiated annexation.

\*removes the requirement that annexed property owners must submit a request for provision of water and sewer service to the property being annexed.

\*allows the continued use of functioning onsite waste treatment systems in environmentally sensitive areas and requires municipal maintenance of these systems.

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### 160A-48:

\*requires the use of subdivision and density standards be met to qualify an area for city initiated annexation.

\* increases the contiguous border of the annexed area to one-third common boundary with the municipality.

\* adds the requirement that the area must be shown to have inadequate health and safety services that cannot be resolved by private means and can only be resolved by the services provided by the annexing municipality.

\* increases the density and population requirement

\*removes commercial, industrial, governmental, & institutional areas from qualifying for city initiated annexation.

\*limits the inclusion of undeveloped areas to contiguous areas that comprise no more than 15% of the proposed annexation area.

### **160A-49:**

- \*requires the annexation process begin at a resolution of consideration.

- \*requires notice be sent to the county commissioners at the time the resolution of consideration is passed.

- \*requires a notice of public hearing be set and advertised and held by the county commissioners.

- \*requires the municipality to submit an annexation report and proposal to the county board of commissioners 30 days before setting and advertising a public informational meeting about the proposed annexation.

- \*requires that the public hearing be held in front of the county commissioners, beginning with an explanation of the proposed annexation by a municipal official.

- \* adds provision o the public hearing that if objections are raised to the proposed annexation by the affected property owners that an election on the question of annexation will be called by the county commissioners.

Allows residents of the annexing municipality to call for a vote on the question of annexation of the area by presenting a petition signed by 15% of the qualified voters of the municipality to the county commissioners at the public hearing.

- \* requires that the merits of the proposed annexation be reviewed and approved or disapproved by the County Commissioners based on findings of fact as to compliance with the statutes and the financial impact on the municipality, the annexed property owners, and the county.

- \* requires a one year waiting period from the passage of the resolution of consideration to pass a resolution of intent after all requirements and approvals are met.

- \* requires all necessary bond debt to fund capital expenses for the proposed annexation be approved by the municipal voters before passing a resolution of intent.

- \* Technical corrections to remove unneeded and redundant language in the sections on remedies.

- \* affirms “meaningful services” to “area in need of services”

- \* adds de-annexation to citizen remedies for service provision non-compliance within 3 years.

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### **160A-50:**

- \* Extends the appeal window from 60 to 90 days.

- \* Includes County Board in all appeals.

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### **160A-53:**

- \* **Adds definitions;**

**“meaningful services”** – shall mean central water and sewer service, police protection, or fire protection.

**“Area in need of meaningful services”** shall mean an area in which (i) a majority of property owners have existing water service, sewer service, police protection, or fire protection that is inadequate and clearly poses a threat to the health and safety of the area, and (ii) the property owners could not reasonably address the threat themselves through private or public means.