

Annexation Process by State Statute (LG Article 4-101 et seq.)

§ 4-401 – Prerequisites: (i) land must be contiguous and adjoining, (ii) not create illegal enclave, and (iii) not be land in another municipality. Not all enclaves are illegal.

§ 4-402 – Initiation: By legislative body or petition.

§ 4-403 – Proposal by legislative body: Done like a regular piece of legislation similar to a charter amendment resolution, need consent of 25% of registered voters in annexation area and the owners of 25% of the assessed (taxable/nonexempt) value of land. Resolution needs survey of courses and distances and description of any conditions of annexation.

§ 4-404 – Initiative of Voters/Owners: Petition signed by 25% of registered voters in annexation area and the owners of 25% of the assessed value of land. Presiding officer verifies petition. Introduce a resolution.

§ 4-405 – Resolution Provisions: State whether residents and property of annexation area is subject to specific provision of charter. State whether there is special treatment for rates of taxation or municipal services or facilities.

§ 4-406 – Notice and Hearing: After introduction of resolution, publish notice describing annexation area and date, time and place of hearing on the proposed annexation. If greater than 25 acres, 4 weekly notices in newspaper of general circulation and if less than 25 acres then twice. A public hearing held in the municipality or the area to be annexed and can be held no sooner than 15 days after the last notice is published. Notice to county and planning agencies. First right to be heard to county and planning agencies.

§ 4-407 – Resolution enactment: After hearing the resolution can be passed. Takes effect 45 days later.

§ 4-408 – Referendum petition (Annex Area): Within the 45 days of enactment, 20% of the voters in the annexation area may petition to referendum the annexation. If so, the CEO suspends the resolution.

§ 4-409 – Referendum petition (Municipality): Within the 45 days of enactment, 20% of the voters in the municipality may petition to referendum the annexation. If so, the CEO suspends the resolution.

§ 4-410 – Referendum petition (County): Within the 45 days of enactment, 2/3rds vote of County Council may petition to referendum the annexation. If so, the CEO suspends the resolution.

§ 4-411 – Referendum date and location: Must give notice in newspaper and wait 15 days.

§ 4-412 – Referendum: Town can make rules on conducting a referendum.

§ 4-413 – Property owners may vote in special circumstances: If less than 20 population in area proposed, property owners can vote like a registered voter.

§ 4-414 – Send copies of resolution: To County Court Clerk, DLS, & M-NCPPC.

§ 4-415– Annexation Plan: Must adopt separate regular resolution of plan prior to AR. Send copy to County Council, County Executive, M-NCPPC, County Dept. of Planning, & MDP.