**South Carolina General Assembly**

119th Session, 2011-2012

**H. 4427**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. McCoy

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Introduced in the House on January 10, 2012

Currently residing in the House Committee on **Judiciary**

Summary: Provide for the annexation of certain noncontiguous areas

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

11/29/2011 House Prefiled

11/29/2011 House Referred to Committee on **Judiciary**

1/10/2012 House Introduced and read first time ([House Journal‑page 34](file:///h:\hj%20archive\2012\01-10-12.docx))

1/10/2012 House Referred to Committee on **Judiciary** ([House Journal‑page 34](file:///h:\hj%20archive\2012\01-10-12.docx))

**VERSIONS OF THIS BILL**

[11/29/2011](file:///p:\pprever\2011-12\4427_20111129.docx)

**A** **BILL**

TO AMEND SECTION 5‑1‑30, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PREREQUISITES FOR THE ISSUANCE OF A CORPORATE CERTIFICATE TO A PROPOSED MUNICIPALITY, SO AS TO PROVIDE CERTAIN EXCEPTIONS FROM THE CONTIGUITY REQUIREMENT; AND TO AMEND SECTION 5‑3‑300, RELATING TO MUNICIPAL ANNEXATION PROCEDURES, SO AS TO PROVIDE FOR THE ANNEXATION OF CERTAIN NONCONTIGUOUS AREAS.

Whereas, in order to foster home rule and local self government, the General Assembly is mindful of the beneficial properties of modern technology and transportation and intergovernmental agreements for the provision of municipal services; and

Whereas, the General Assembly finds it appropriate to ameliorate strict notions of contiguity in order to allow areas of sufficient size and proximity to join together to incorporate, or to annex to a nearby municipality, unencumbered by rigid adherence to contiguity. Now, therefore,

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 5‑1‑30(A)(4) of the 1976 Code, as last amended by Act 77 of 2005, is further amended to read:

“(4) the area proposed to be incorporated is contiguous as defined and as described in this item. ‘Contiguous’ means adjacent properties that share a continuous border. If a publicly owned property intervenes between two areas proposed to be incorporated together, which but for the intervening publicly owned property would be adjacent and share a continuous border, the intervening publicly owned property does not destroy contiguity~~;~~. Contiguity is not required where all areas to be incorporated have the equivalent of a population density of three hundred persons per square mile and contain the equivalent of one dwelling unit for each three acres of land within the area, and:

(a) all are located upon the same island; or

(b) the areas to be incorporated are linked together so that any one area to be incorporated is within one‑half of a mile of the next closest area to be incorporated.

An area annexed or otherwise obtained by an existing municipality at any time within one year prior to the filing of an incorporation petition does not destroy contiguity, and that area may be used by the incorporating area to establish contiguity as if it had not been annexed or obtained.”

SECTION 2. Section 5‑3‑300(A) of the 1976 Code is amended to read:

“(A) In addition to other methods of annexation authorized by this chapter~~,~~:

(1) ~~any~~ an area ~~which~~ that is contiguous to a municipality; or (2) an area that is not contiguous to a municipality but which has a boundary that is within one‑half mile of any point on the border of a municipality, or which is on an island with a municipality, and has the equivalent of a population density of three hundred persons per square mile, and contains the equivalent of one dwelling unit for each three acres of land within the area, may be annexed to the municipality by the filing of a petition with the council signed by twenty‑five percent or more of the qualified electors who are residents within the area proposed to be annexed.”

SECTION 3. This act takes effect upon approval by the Governor.

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