

GENERAL ASSEMBLY OF NORTH CAROLINA
1987 SESSION

CHAPTER 536
HOUSE BILL 1244

AN ACT TO CLARIFY THE AUTHORITY OF THE DEPARTMENT OF HUMAN
RESOURCES OVER THE CAMP BUTNER RESERVATION.

The General Assembly of North Carolina enacts:

Section 1. G.S. 150B-1(d) is amended by inserting a new paragraph between the second and third paragraphs of that subsection to read:

"The Department of Human Resources is exempt from this Chapter in exercising its authority over the Camp Butner reservation granted in Article 6 of Chapter 122C of the General Statutes."

Sec. 2. G.S. 122C-403 is rewritten to read:

"§ 122C-403. Secretary's authority over Camp Butner reservation.—The Secretary shall administer the Camp Butner reservation. In performing this duty, the Secretary has the powers listed below. In exercising these powers the Secretary has the same authority and is subject to the same restrictions that the governing body of a city would have and would be subject to if the reservation was a city, unless this section provides to the contrary. The Secretary may:

(1) Regulate airports on the reservation in accordance with the powers granted in Article 4 of Chapter 63 of the General Statutes.

(2) Take actions in accordance with the general police power granted in Article 8 of Chapter 160A of the General Statutes.

(3) Regulate the development of the reservation in accordance with the powers granted in Article 19, Parts 2, 3, 3A, 3B, 5, 6, and 7, of Chapter 160A of the General Statutes. The Secretary may not, however, grant a special use permit, a conditional use permit, or a special exception under Part 3 of that Article. In addition, the Secretary is not required to notify landowners of zoning classification actions under G.S. 160A-384, and the protest petition requirements in G.S. 160A-385, and 160A-386 do not apply.

(4) Establish one or more planning agencies in accordance with the power granted in G.S. 160A-361 or designate the Community of Butner Planning Commission as the planning agency for the reservation.

(5) Regulate streets, traffic, and parking on the reservation in accordance with the powers granted in Article 15 of Chapter 160A of the General Statutes.

(6) Control erosion and sedimentation on the reservation in accordance with the powers granted in G.S. 160A-458 and Article 4 of Chapter 113A of the General Statutes.

(7) Contract with and undertake agreements with units of local government in accordance with the powers granted in G.S. 160A-413 and Article 20, Part 1, of Chapter 160A of the General Statutes.

(8) Regulate floodways on the reservation in accordance with the powers granted in G.S. 160A-458.1 and Article 21, Part 6, of Chapter 143 of the General Statutes.

(9) Assign duties given by the statutes listed in the preceding subdivisions to a local official to the Chief of Support Services of John Umstead Hospital or another appropriate person.

(10) Adopt rules to carry out the purposes of this Article.

Sec. 3. G.S. 122C-404(i) is amended by adding a new sentence to read:

"If the Secretary is authorized by statute to create a board or other group, some of whose members are required to have special qualifications, the Secretary may assign the duties of the board or other group to the Community of Butner Planning Commission if the members of the Planning Commission have the requisite qualifications."

Sec. 4. G.S. 122C-405 is rewritten to read:

"§ G.S. 122C-405. Procedure applicable to rules.—Rules adopted by the Secretary under this Article shall be adopted in accordance with the procedures for adopting a city ordinance on the same subject, shall be subject to review in the manner provided for a city ordinance adopted on the same subject, and shall be enforceable in accordance with the procedures for enforcing a city ordinance on the same subject. Violation of a rule adopted under this Article is punishable as provided in G.S. 122C-406.

Rules adopted under this Article may apply to part or all of the Camp Butner reservation. If a public hearing is required before the adoption of a rule, the Community of Butner Planning Commission shall conduct the hearing."

Sec. 5. Part 1 of Article 6 of Chapter 122C of the General Statutes is amended by adding a new section to read:

"§ 122C-410. Authority of county or city over Camp Butner reservation.—(a) A municipality may not annex territory extending into or extend its extraterritorial jurisdiction into the Camp Butner reservation without written approval from the Secretary of each proposed annexation or extension. The procedures, if any, for withdrawing approval granted by the Secretary to an annexation or extension of extraterritorial jurisdiction shall be stated in the notice of approval.

(b) A county ordinance may apply in part or all of the Camp Butner reservation if the Secretary gives written approval of the ordinance. The Secretary may withdraw his approval of a county ordinance by giving written notification, by certified mail, return receipt requested, to the county. A county ordinance ceases to be effective in the Camp Butner reservation 30 days after the county receives the written notice of the withdrawal of approval."

Sec. 6. This act is effective upon ratification. A county ordinance that applies to the Camp Butner reservation on the effective date of this act shall continue to apply until the Secretary of the Department of Human Resources withdraws his approval of the ordinance or the county amends or repeals the ordinance so that it no longer applies to the Camp Butner reservation.

In the General Assembly read three times and ratified this the 2nd day of July, 1987.