

Local Government

See full summary documents for additional detail

Limited Shark Fishing Tournament Moratorium.

SL 2023-26 (H544)

S.L. 2023-26 makes it unlawful for a person, between May 1 and October 31 of each year, to take sharks as part of a recreational fishing tournament where the person landing the shark is on the shore or on a structure attached to the shore of Carolina Beach, Caswell Beach, Holden Beach, Kure Beach, Oak Island, Ocean Isle Beach, Sunset Beach, or Bald Head Island.

This act became effective July 1, 2023, and applies to offenses committed on or after that date.

Cities/Remove and Dispose of Abandoned Vessels.

SL 2023-27 (S465)

S.L. 2023-27 expands authority over the removal and disposal of abandoned vessels from coastal counties to all counties and grants that same authority to cities.

This act became effective June 2, 2023, and does not invalidate any local acts authorizing ordinances regulating the removal and disposal of vessels from navigable waters or any ordinances that were adopted under that authority before this act became law.

Probation Modifications/Sheriff Authority.

SL 2023-45 (H87)

S.L. 2023-45 makes the following changes:

- Allows a district attorney to file a probation modification petition.
- Allows the court to delegate the ability to shorten a period of probation to a probation officer.
- Allows all sheriff's offices in the state to contract for food and food services supplies without being subject to certain public contract laws.

This act has various effective dates. Please see full summary for more details.

Civilian Traffic Investigators.

SL 2023-52 (H140)

S.L. 2023-52 allows municipalities to hire civilian traffic investigators to investigate car crashes involving only property damage. Civilian traffic investigators have no power to arrest and do not

replace current law enforcement officials. Civilian traffic investigators may write reports that are admissible in court, but not carry weapons or perform arrests.

This act became effective June 23, 2023.

Permit Choice/Certain Airport Authorities.

SL 2023-53 (S240)

S.L. 2023-53 allows certain airport authorities to elect to be regulated under the permitting authority of a local erosion and sedimentation control program.

This act became effective October 1, 2023.

Wastewater Regulatory Relief Act.

SL 2023-55 (S673)

S.L. 2023-55 allows permittees for new or expanded wastewater treatment systems to use alternative wastewater flow calculations, to expand beyond the system's hydraulic capacity if the system meets certain requirements; and makes changes to how a local government can impose a system development fee.

Section 12.15 of S.L. 2023-134 amends Section 1 of this act to clarify that if a permittee for a wastewater treatment system exceeds its currently permitted monthly flow more than once in any 12-month period, the permittee may not allocate more than 100% of the existing system's hydraulic capacity until the permittee complies with the permitted monthly flow for at least 12 consecutive months.

This act became effective June 23, 2023.

Energy Choice/Solar Decommissioning Requirements.

SL 2023-58 (H130)

S.L. 2023-58 does both of the following:

- Prohibits local governments from adopting any ordinance that prohibits connection, reconnection, modification, or expansion of an energy service based on the type or source of energy to be delivered to the end-user of the energy service.
- Requires owners of utility-scale solar projects to responsibly decommission the projects upon cessation of operations, and to establish financial assurance to cover the decommissioning.²

This act became effective as follows:

- The requirements for decommissioning and registration established under Section 2(a) becomes effective November 1, 2025, and apply to utility scale solar projects constructed prior to or after that date.
- The requirements for submittal of a decommissioning plan and financial assurance established under Section 2(a) become effective November 1, 2025, and apply to:
 - Utility scale solar projects for which applications for certificates of public convenience and necessity are pending or submitted on or after the effective date of the act.
 - Utility scale solar projects in operation on the date the act became effective, only if the project is rebuilt or expanded after the effective date of the act.
- The remainder of the act became effective June 26, 2023.

Reimburse Late Audit Costs with Sales Tax Rev.

SL 2023-59 (S299)

S.L. 2023-59 authorizes the Local Government Commission to withhold a county or municipality's sales tax distribution if the county or municipality fails to submit an annual audit report. The amount withheld is equivalent to 150% of the cost of the required audit.

This bill was vetoed by the Governor on June 19, 2023, and that veto was overridden by the General Assembly on June 27, 2023. Section 1 of the act becomes effective January 1, 2024, and applies to audits for fiscal years ending on or after June 30, 2023. The remainder of the act became effective June 27, 2023.

On-Site Wastewater Rules Implementation.

SL 2023-77 (H627)

S.L. 2023-77 directs the Commission for Public Health (Commission) to implement its on-site wastewater rules to amend and clarify the responsibilities of on-site wastewater owners, professionals, and local health departments and to provide additional options for installation, testing, operation, and maintenance, and readopt those rules consistent with that implementation.

This act became effective January 1, 2024.

Medal of Valor Award for First Responders.

SL 2023-94 (H387)

S.L. 2023-94 creates the Medal of Valor Award for first responders, authorizing the Governor and Lieutenant Governor to each award no more than two Medal of Valor Awards to first responders each calendar year. The Governor and Lieutenant Governor can each award a third Medal of Valor Award to a first responder under special circumstances.

The act became effective July 10, 2023.

Amend Rule 4/Acceptance of Service - Part IV.

SL 2023-97 (S91)

Part IV of S.L. 2023-97 establishes a process by which an elected sanitary board can opt to conduct elections in the even-numbered years, rather than odd-numbered years.

This part became effective July 10, 2023, and applies to elections held on or after that date.

Code Council Reorganization and Various Code Amendments.

SL 2023-108 (H488)

S.L. 2023-108, as amended by S.L. 2023-137 and S.L. 2023-151, reorganizes the Building Code Council to create a new Residential Code Council and amends various North Carolina State Building Code provisions, land development regulations, and General Contractor licensing laws.

This bill was vetoed by the Governor on July 7, 2023, and that veto was overridden by the General Assembly on August 16, 2023. This act has various effective dates. Please see the full summary for more detail.

Permit Multistate Water/Sewer Authority.

SL 2023-126 (S211)

S.L. 2023-126 authorizes political subdivisions from adjoining states to join a water and sewer authority to be organized by political subdivisions in North Carolina to maintain and operate a water or sewer system.

This act became effective September 29, 2023, and applies to any water and sewer authority created under Article 1 of Chapter 162A of the General Statutes on or after that date.

Preemption of Certain Local Government Actions – 2023 Appropriations Act.

SL 2023-134 (H259), Sec. 5.9

Section 5.9 of S.L. 2023-134 provides that the North Carolina Wage and Hour Act supersedes and preempts any ordinance, regulation, or policy of a unit of local government or other political subdivision of the State that imposes requirements upon employers pertaining to compensation, including wage levels, hours of labor, payment of wages, benefits, leave, or well-being of minors in the workforce. This does not apply to: a local government regulating, compensating, or controlling its own employees, certain economic development incentives, a requirement of federal community development block grants, and programs established under the statute dealing with community development programs and activities.

This section also restricts counties and cities from adopting ordinances and rules to: (i) restrict, tax, charge a fee, prohibit, or otherwise regulate the use, disposition, or sale of an auxiliary container (e.g. bags, containers, bottles, merchandise containers, etc.), and (ii) regulate the use of shopping carts, including the imposition of a fee or fine on a business for failure to take possession of a shopping cart that was removed from the premises of the business. This section allows counties and cities to operate recycling programs, composting programs, and solid waste disposal programs and to regulate the use of auxiliary containers on property owned or maintained by the county or city. This section became effective July 1, 2023.

Selectsite Readiness Program – 2023 Appropriations Act.

SL 2023-134 (H259), Sec. 11.12

Section 11.12 of S.L. 2023-134 establishes the Selectsite Readiness Program to be administered by the Economic Development Partnership of North Carolina.

This section became effective July 1, 2023.

Expand Minority Business and Historically Underutilized Business Definitions – 2023 Appropriations Act.

SL 2023-134 (H259), Sec. 20.4

Section 20.4 of S.L. 2023-134 expands the definitions of the terms "minority business" and "historically underutilized business" for public contracting purposes.

This section became effective October 3, 2023, and applies to contracts awarded on or after that date.

Bond Referendum Transparency – 2023 Appropriations Act.

SL 2023-134 (H259), Sec. 36.3

Section 36.3 of S.L. 2023-134 amends the ballot language required for a general obligation bond referendum to add the following:

- The estimated cumulative cost over the life of the bond, using the highest interest rate charged for similar debt.
- The amount of property tax liability increase to service the cumulative cost over the life of the bond, stated for each \$100,000 of property tax value.

Section 36.3 also requires that the ballot language explicitly state that additional property taxes can be levied on property located in the unit of local government to repay the debt.

This section became effective December 31, 2023, and applies to bond referendums conducted on or after that date.

Modify Certain Rules Related to Development Density in Water Supply Watersheds, as Applicable in Iredell County and the Town of Mooresville – Regulatory Reform Act of 2023.

SL 2023-137 (H600), Sec. 5

Section 5 of S.L. 2023-137 directs the Environmental Management Commission to implement 15A NCAC 02B .0624 to authorize Iredell County and the Town of Mooresville to regulate development in water supply watersheds within their planning jurisdiction so that a maximum of 20% of the land area of a water supply watershed outside of the critical areas can be developed up to 70% built upon area.

This bill was vetoed by the Governor on October 2, 2023, and that veto was overridden by the General Assembly on October 10, 2023. These sections became effective October 10, 2023.

Prohibit Sale of Nutrient Offsets from Municipal Nutrient Offset Banks to any Entity other than a Government Entity or a Unit of Local Government – Regulatory Reform Act of 2023.

SL 2023-137 (H600), Sec. 16

Section 16 of S.L. 2023-137 prohibits nutrient offset banks approved by the Department of Environmental Quality (DEQ) and owned by a unit of local government from selling nutrient offset credits to any entity other than a government entity or unit of local government

This bill was vetoed by the Governor on October 2, 2023, and that veto was overridden by the General Assembly on October 10, 2023. This section became effective October 10, 2023, and applies to nutrient offset banks owned by a unit of local government and approved by DEQ on or after that date, except that it does not apply to a unit of local government that has a nutrient offset banking instrument approved by DEQ prior to October 10, 2023.

Clarify Brownfield Program Construction – Regulatory Reform Act of 2023.

SL 2023-137 (H600), Sec. 20

Section 20 of S.L. 2023-137 amends the brownfields statute to provide that the law must not be construed to limit or preclude a prospective developer from performing an investigation of a brownfields property without prior approval from the Department of Environmental Quality.

This bill was vetoed by the Governor on October 2, 2023, and that veto was overridden by the General Assembly on October 10, 2023. This section became effective on October 10, 2023.

Limit Local Government Zoning Authority to Require Fire Access Roads in Excess of the Fire Code of the North Carolina Residential Code for One- and Two-Family Dwellings – Regulatory Reform Act of 2023.

SL 2023-137 (H600), Sec. 26

Section 26 of S.L. 2023-137 prohibits local government zoning and development regulations from requiring additional entrances into a residential subdivision that are not in compliance with the number of entrance requirements into a residential subdivision set forth in the Fire Code of the North Carolina Residential Code for One- and Two-Family Dwellings.

This bill was vetoed by the Governor on October 2, 2023, and that veto was overridden by the General Assembly on October 10, 2023. This section became effective October 10, 2023, and applies to existing municipal or county ordinances. Any municipal or county ordinance inconsistent with this section is void and unenforceable.

Prohibit Counties and Cities from Regulating Certain Online Marketplaces – Regulatory Reform Act of 2023.

SL 2023-137 (H600), Sec. 27

Section 27 of S.L. 2023-137 prohibits counties or cities from regulating the operation of an online marketplace; or requiring an online marketplace to provide personally identifiable information of users, unless pursuant to a subpoena or court order.

This bill was vetoed by the Governor on October 2, 2023, and that veto was overridden by the General Assembly on October 10, 2023. This section became effective on October 10, 2023.

Emergency Supply Chain Declaration for Local Governments – Regulatory Reform Act of 2023.

SL 2023-137 (H600), Sec. 39

Section 39 of S.L. 2023-137 expands the definition of "emergency" in the Emergency Management Act to allow local governments to more easily obtain certain apparatus, supplies, materials, or equipment, or construction or repair work requiring those items, when a supply chain emergency has occurred and other criteria are met.

This bill was vetoed by the Governor on October 2, 2023, and that veto was overridden by the General Assembly on October 10, 2023. This section became effective on October 10, 2023.

Prohibit Counties and Cities from Adopting Certain Ordinances, Rules, and Regulations Related to Battery-Charged Security Fences and to Define and Establish Requirements for Those Battery-Charged Security Fences – Regulatory Reform Act of 2023.

SL 2023-137 (H600), Sec. 44

Section 44 prohibits counties and cities from requiring any permit, fee, review, or approval for the installation or use of a battery-charged security fence in excess of any requirements adopted pursuant to the State law concerning the regulation of alarm system businesses.

This bill was vetoed by the Governor on October 2, 2023, and that veto was overridden by the General Assembly on October 10, 2023. This section became effective on October 10, 2023.

Delete Conflicting Water/Sewer Provision in Session Law 2023-108 – Regulatory Reform Act of 2023.

SL 2023-137 (H600), Sec. 50

Section 50 of S.L. 2023-108 makes a technical change to S.L. 2023-108 to delete language regarding forced water/sewer connections that conflicts with S.L. 2023-90.

This bill was vetoed by the Governor on October 2, 2023, and that veto was overridden by the General Assembly on October 10, 2023. This section became effective on October 10, 2023.

Surveyors Right of Entry/Expedite Commercial and Multifamily Building Projects.

SL 2023-142 (S677)

S.L. 2023-142:

- Gives licensed professional land surveyors and their agents, employees, or personnel under their supervision, a limited right to enter into the lands of others if necessary to perform surveys and after making a reasonable effort to notify adjoining landowners upon whose land entry is necessary.
- Expedites plan review processes and authorizes the use of limited at-risk construction permitting options for certain commercial and multifamily building projects.

The section of the act pertaining to professional land surveyor right-of-entry becomes effective July 1, 2024, and applies to acts on or after that date. The section of the act pertaining to commercial and multifamily building permits becomes effective July 1, 2024, and applies to permit applications submitted on or after that date.