

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE BILL 379  
Committee Substitute Favorable 3/31/93

Short Title: Halifax Fire District Fees.

(Local)

Sponsors:

Referred to:

March 1, 1993

A BILL TO BE ENTITLED

AN ACT TO ALLOW HALIFAX COUNTY TO CREATE FIRE PROTECTION DISTRICTS IN WHICH FIRE PROTECTION IS FUNDED BY FEES RATHER THAN TAXES.

The General Assembly of North Carolina enacts:

Section 1. Article 11 of Chapter 153A of the General Statutes is amended by adding a new section to read:

**"§ 153A-236. Fee-supported fire districts.**

(a) Request for Fee-supported District. – A county may create a fee-supported fire district for insurance grading purposes if it receives one of the following:

(1) A written request to create the district signed by at least two-thirds of the members of the board of directors of a fire department that contracts with the county to provide fire protection within an area of the county.

(2) A petition requesting creation of a district signed by fifteen percent (15%) of the resident freeholders living in an area in the county. The petition must describe the area to be designated as the district.

(b) Creation of Fee-supported District. – Upon receipt of a request as provided in subsection (a) of this section, the county may adopt a resolution establishing a fee-supported fire district and imposing annual fees for the provision of fire protection services within the district. The district may not include any area that is within (i) a tax-supported fire district established under Article 3A of Chapter 69 of the General

1 Statutes; (ii) a county service district established under Article 16 of this Chapter for fire  
2 protection purposes; or (iii) another fee-supported fire district. The district may not  
3 include any area that is within the corporate limits of a municipality unless the  
4 governing body of the municipality agrees to the inclusion. However, it is not necessary  
5 to obtain the consent of a municipality if the municipality has not levied a tax,  
6 performed any official act, nor held any elections within a period of 10 years preceding  
7 the adoption of the resolution including the area within the district.

8 (c) Fees. – The fees imposed by the county may not exceed the cost of providing  
9 fire protection services within the district. The fees may be imposed on the owners of  
10 all property that benefits from the availability of fire protection and is either real  
11 property or a mobile or other manufactured home that is classified as personal property.  
12 For the purpose of this section, the term 'fire protection' includes furnishing emergency  
13 medical, rescue, and ambulance services to protect persons in the district from injury or  
14 death. The county shall establish a schedule of fees for different classes of property,  
15 and the fee for each class of property shall be proportional to the estimated cost of  
16 providing fire protection services to that class of property. The schedule of fees shall  
17 include the following classes of property, and the fee on each class of property shall not  
18 exceed the following maximums:

- 19 (1) A single-family dwelling or manufactured home, and appurtenant  
20 structures, plus up to five acres of surrounding land. The fee on this  
21 class of property may not exceed seventy-five dollars (\$75.00) per site  
22 per year.
- 23 (2) Unimproved land other than the five acres of land classified as part of  
24 a single-family dwelling or manufactured home. The fee on this class  
25 of property may not exceed ten cents (10¢) per acre per year. The  
26 county may establish a minimum fee for unimproved land of not more  
27 than ten dollars (\$10.00) per year.
- 28 (3) An animal production, poultry production, or horticultural operation.  
29 The fee on this class of property may not exceed twenty-five dollars  
30 (\$25.00) per structure per year.
- 31 (4) A commercial, industrial, or agricultural facility that is not included  
32 under subdivision (3) of this section. The fee on this class of property  
33 may not exceed seventy-five dollars (\$75.00) per site per year for  
34 facilities with structures encompassing less than 5,000 square feet, and  
35 one hundred fifty dollars (\$150.00) per site per year for facilities with  
36 structures encompassing 5,000 square feet or more.
- 37 (5) A multiple-family dwelling. The fee on a duplex may not exceed  
38 seventy-five dollars (\$75.00) per building per year. The fee on a  
39 triplex may not exceed one hundred dollars (\$100.00) per building per  
40 year. The fee on any other multiple-family dwelling may not exceed  
41 one hundred fifty dollars (\$150.00) per building per year.
- 42 (6) Any other class of property selected by the county. The fee on these  
43 classes of property may not exceed seventy-five dollars (\$75.00) per  
44 year.

1       (d) Billing of Fees. – The county may include a fee imposed under this section on  
2 the property tax bill for the property on which the fee is imposed. The fees are payable  
3 in the same manner as property taxes and become a lien on the property for which they  
4 were imposed. In case of nonpayment, the fees may be collected in any manner by  
5 which delinquent personal and real property taxes can be collected.

6       (e) Use of Fees. – The county shall credit the fees collected within the district to  
7 a separate fund to be used only to furnish fire protection in the district. The board of  
8 commissioners shall administer the fund to provide fire protection by one or more of the  
9 following methods:

10           (1) Contracting with any municipality, any incorporated nonprofit  
11 volunteer or community fire department, or the Department of  
12 Environment, Health, and Natural Resources.

13           (2) Furnishing fire protection itself if it maintains an organized fire  
14 department.

15           (3) Establishing a fire department in the district.

16       (f) Audit of Fire Department. – If the county contracts with a fire department to  
17 provide fire protection services in a fee-supported fire district, the fire department shall  
18 prepare an annual budget based on anticipated revenues and shall submit the budget to  
19 the county for processing and approval through the county's regular budget procedure.  
20 Upon request of the county, the fire department shall make quarterly or semiannual  
21 reports to the county detailing its revenues, expenditures, and activities. The county  
22 may audit the fire department's financial records upon reasonable notice to the fire  
23 department.

24       (g) Extension of Area of District. – The county may by resolution annex to any  
25 fee-supported fire district any territory that it could include in a new district under  
26 subsection (b) of this section, upon finding that:

27           (1) The area to be annexed is contiguous to the district, with at least one-  
28 eighth of the area's aggregate external boundary coincident with the  
29 existing boundary of the district; and

30           (2) The area to be annexed requires the services of the district.

31       The county may also by resolution annex to any fee-supported fire district any  
32 territory it could include in a new district under subsection (b) of this section if one  
33 hundred percent (100%) of the property owners in the territory to be annexed that would  
34 be subject to the fees have petitioned the board of commissioners for annexation to the  
35 service district.

36       The area of any fee-supported fire district may be increased by including within the  
37 boundaries of the district any adjoining territory lying within a municipality if the  
38 territory is not already included in another fire protection district, and both the  
39 municipal governing body and the county commissioners of the county in which the  
40 district is located agree by resolution to the inclusion. However, it is not necessary to  
41 obtain the consent of a municipality if the municipality has not levied a tax, performed  
42 any official act, nor held any elections within a period of 10 years preceding the  
43 adoption of the resolution including the area within the district.

1        (h) Annexation of District. – When any portion of a fee-supported fire district has  
2 been annexed by a municipality furnishing fire protection to its citizens, and the  
3 municipality has not agreed to allow territory within it to be in the district, then the  
4 portion of the district annexed is no longer part of a fee-supported district. For the  
5 purposes of this section and regardless of the actual effective date of annexation, the  
6 date of annexation shall be considered to be a date in the month of June.

7        (i) Abolition of District. – Upon finding that there is no longer a need for a given  
8 fee-supported fire district, the board of commissioners may repeal the resolution  
9 establishing the district and thus abolish the district."

10            Sec. 2. This act applies to Halifax County only.

11            Sec. 3. This act is effective upon ratification.