

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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SENATE BILL 1180

Short Title: No Monetary Exaction for Development.

(Public)

Sponsors: Senators Dalton and Swindell.

Referred to: Finance.

March 22, 2007

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THAT A LOCAL GOVERNMENT MAY NOT IMPOSE A
TAX, FEE, OR MONETARY CONTRIBUTION FOR DEVELOPMENT THAT IS
NOT SPECIFICALLY AUTHORIZED BY LAW.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 153A-320 reads as rewritten:

"**§ 153A-320. Territorial ~~jurisdiction~~; jurisdiction; limitation of authority.**

(a) Jurisdiction. – Each of the powers granted to counties by this ~~Article~~, by ~~Chapter 157A, and Article~~ and by Chapter 160A, Article 19 may be exercised throughout the county except as otherwise provided in G.S. 160A-360.

(b) Limitation of Authority. – A county may not impose or exact a tax, fee, or monetary contribution for development or a development permit unless specifically authorized by law. The terms 'development' and 'development permit' have the same meanings as defined in G.S. 153A-349.2."

SECTION 2. G.S. 153A-349.1(b) reads as rewritten:

"(b) Local governments and agencies may enter into development agreements with developers, subject to the procedures and requirements of this Part. In entering into such agreements, a local government may not exercise any authority or make any commitment not authorized by general or local act and may not impose ~~any tax or fee or exact a tax, fee, or monetary contribution~~ not authorized by otherwise applicable law."

SECTION 3. The catch line of G.S. 160A-360 reads as rewritten:

"**§ 160A-360. Territorial ~~jurisdiction~~; jurisdiction; limitation of authority.**"

SECTION 4. G.S. 160A-360 is amended by adding a new subsection to read:

"(k) A city may not impose or exact a tax, fee, or monetary contribution for development or a development permit unless specifically authorized by law. The terms 'development' and 'development permit' have the same meanings as defined in G.S. 160A-400.21."

SECTION 5. G.S. 160A-400.20(b) reads as rewritten:

1 "(b) Local governments and agencies may enter into development agreements
2 with developers, subject to the procedures and requirements of this Part. In entering into
3 such agreements, a local government may not exercise any authority or make any
4 commitment not authorized by general or local act and may not impose ~~any tax or fee or~~
5 exact a tax, fee, or monetary contribution not authorized by otherwise applicable law."

6 **SECTION 6.** Sections 2 and 5 of this act are effective when it becomes law
7 and apply to development agreements entered into on or after that date. The remainder
8 of this act is effective when it becomes law.