

GENERAL ASSEMBLY OF NORTH CAROLINA



Session 2009

Legislative Fiscal Note

BILL NUMBER: House Bill 1139 (First Edition)

SHORT TITLE: Regulate Irrigation Systems/Cities.

SPONSOR(S): Representative K. Alexander

FISCAL IMPACT

Yes (x) No () No Estimate Available ()

FY 2009-10 FY 2010-11 FY 2011-12 FY 2012-13 FY 2013-14

REVENUES

EXPENDITURES *Cost indeterminate. See Assumptions & Methodology.*

POSITIONS (cumulative):

PRINCIPAL DEPARTMENT(S) &

PROGRAM(S) AFFECTED: Cities with populations greater than 90,000

EFFECTIVE DATE: G.S. 160A-202(a) and (c) effective when bill becomes law. G.S. 160A-202(b) effective October 1, 2009.

BILL SUMMARY:

Enacts new GS 160A-202 allowing cities with a population exceeding 90,000 to prohibit underground irrigation systems that are connected to the local public potable water supply system in new subdivisions and other new residential and nonresidential developments within the city's corporate limits and extraterritorial planning jurisdiction. Defines development as in GS 160A-400.21(3) and development permit as in GS 160A-400.21(4). Effective October 1, 2009, prohibits a city ordinance from prohibiting the installation and maintenance of cisterns and rain barrel collection systems used to collect water for irrigation purposes on any property within its corporate limits and extraterritorial planning jurisdiction; allows the city to regulate those systems for the purpose of protecting the public health and safety and for the purpose of preventing them from becoming a public nuisance.

ASSUMPTIONS AND METHODOLOGY:

This bill is limited to cities in North Carolina with populations in excess of 90,00 per the last decennial census. Using 2000 Census data, this definition would include the following cities:

Charlotte, Durham, Fayetteville, Greensboro, Raleigh, and Winston-Salem. It is unclear if Cary would fall under this bill as Cary meets the population requirements but is officially a “town” and not a city.

The language in the bill is permissive (i.e., cities “may” regulate) and not prescriptive, and thus there are no mandated costs for affected cities. If an affected city chose to implement the provisions of the bill, then it would most likely incur administrative expenses associated with writing and passing the ordinance to regulate or prohibit underground irrigation systems connected to the local potable water supply system. There would also be costs associated with the regulation and enforcement of that ordinance, as well as the cost of public education and outreach to affected parties. Fiscal Research does not have an estimate of these costs but anticipates that they would be minimal.

In addition to the potential costs outlined above, members of the League of Municipalities also expressed some concern about the potential loss of water revenue as cisterns become more widely used for irrigation.

SOURCES OF DATA: NC League of Municipalities; US Census Bureau

TECHNICAL CONSIDERATIONS: None

FISCAL RESEARCH DIVISION: (919) 733-4910

PREPARED BY: Kristin Walker

APPROVED BY:

Marilyn Chism, Director
Fiscal Research Division



DATE: April 24, 2009

Signed Copy Located in the NCGA Principal Clerk's Offices