

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2013

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HOUSE BILL 608

Short Title: ETJ Powers Limited. (Public)

Sponsors: Representatives Pittman, Ford, Moffitt, and Hardister (Primary Sponsors).
For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.

Referred to: Government, if favorable, Finance.

April 9, 2013

A BILL TO BE ENTITLED

AN ACT PROVIDING THAT ANY CITY EXERCISING THE POWERS OF EXTRATERRITORIAL JURISDICTION ON JUNE 1, 2013, MAY CONTINUE TO DO SO AND PROHIBITING THE EXERCISE OF EXTRATERRITORIAL JURISDICTION POWERS BY CITIES NOT EXERCISING THOSE POWERS ON JUNE 1, 2013.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 160A-360 reads as rewritten:

"§ 160A-360. Territorial jurisdiction.

...

(m) Any city exercising the powers of extraterritorial jurisdiction under this Article on June 1, 2013, may continue to do so only to the extent authorized by this section, the city's charter, or a local act enacted by the General Assembly. Any city not exercising the powers of extraterritorial jurisdiction on June 1, 2013, may not exercise any of the powers under this Article in any area outside of the corporate limits of the city."

SECTION 2. G.S. 160A-362 reads as rewritten:

"§ 160A-362. Extraterritorial representation.

(a) When a city elects to exercise extraterritorial zoning or subdivision-regulation powers under G.S. 160A-360, it shall in the ordinance creating or designating its planning board provide a means of proportional representation based on population for residents of the extraterritorial area to be regulated. Representation shall be provided by appointing at least one resident of the entire extraterritorial zoning and subdivision regulation area to the planning board and the board of adjustment that makes recommendations or grants relief in these matters. For purposes of this section, an additional member must be appointed to the planning board or board of adjustment to achieve proportional representation only when the population of the entire extraterritorial zoning and subdivision area constitutes a full fraction of the municipality's population divided by the total membership of the planning board or board of adjustment. Membership of joint municipal county planning agencies or boards of adjustment may be appointed as agreed by counties and municipalities. Any advisory board established prior to July 1, 1983, to provide the required extraterritorial representation shall constitute compliance with this section until the board is abolished by ordinance of the city. The representatives on the planning board and the board of adjustment shall be appointed by the board of county commissioners with jurisdiction over the area. When selecting a new representative to the planning board or to the board of adjustment as a result of an extension of the extraterritorial jurisdiction, the board of county commissioners shall hold a public hearing on the selection. A notice of the hearing shall be given once a week for two successive calendar



1 weeks in a newspaper having general circulation in the area. The board of county  
2 commissioners shall select appointees only from those who apply at or before the public  
3 hearing. The county shall make the appointments within 45 days following the public hearing.  
4 Once a city provides proportional representation, no power available to a city under  
5 G.S. 160A-360 shall be ineffective in its extraterritorial area solely because county  
6 appointments have not yet been made. If there is an insufficient number of qualified residents  
7 of the area to meet membership requirements, the board of county commissioners may appoint  
8 as many other residents of the county as necessary to make up the requisite number. When the  
9 extraterritorial area extends into two or more counties, each board of county commissioners  
10 concerned shall appoint representatives from its portion of the area, as specified in the  
11 ordinance. If a board of county commissioners fails to make these appointments within 90 days  
12 after receiving a resolution from the city council requesting that they be made, the city council  
13 may make them. If the ordinance so provides, the outside representatives may have equal  
14 rights, privileges, and duties with the other members of the board to which they are appointed,  
15 regardless of whether the matters at issue arise within the city or within the extraterritorial area;  
16 otherwise they shall function only with respect to matters within the extraterritorial area.

17 (b) The provisions of this section apply only to cities exercising the powers of  
18 extraterritorial jurisdiction under this Article on June 1, 2013. Any city that is not exercising  
19 the powers of extraterritorial jurisdiction on June 1, 2013, may not exercise any of the powers  
20 under this Article in any area outside of the corporate limits of the city."

21 **SECTION 3.** This act is effective when it becomes law.