

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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HOUSE BILL 51

Short Title: Justice for Rural Citizens Act. (Public)

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

Referred to: Local Government, if favorable, Finance.

February 5, 2015

A BILL TO BE ENTITLED

AN ACT TO REMOVE THE INJUSTICE OF EXTRATERRITORIAL PLANNING JURISDICTION BY DECLARING THAT NO CITY IN THE STATE MAY HAVE OR EXERCISE PLANNING JURISDICTION OUTSIDE ITS CORPORATE LIMITS.

Whereas, under current State law, any city may exercise planning jurisdiction under Article 19 of Chapter 160A of the General Statutes within a defined area extending not more than one mile beyond its corporate limits; and

Whereas, with the approval of the board of county commissioners with jurisdiction over the area, a city of 10,000 or more but less than 25,000 may exercise planning jurisdiction over an area extending not more than two miles beyond its corporate limits, and a city of 25,000 or more may exercise these powers over an area extending not more than three miles beyond its limits; and

Whereas, the citizens who live in an area over which a city exercises extraterritorial planning jurisdiction are prohibited from voting in municipal elections; and

Whereas, without the ability to vote in city elections to choose the persons who will make planning decisions about the areas in which they live, rural citizens do not have a say in some of the important matters that affect their lives and livelihoods; Now, therefore, The General Assembly of North Carolina enacts:

PART I. EXTRATERRITORIAL PLANNING JURISDICTION PROHIBITED

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

"§ 160A-360. ~~Territorial jurisdiction.~~ Limits on planning powers.

(a) All of the powers granted by this Article may be exercised by any city within its corporate limits. ~~In addition, any city may exercise these powers within a defined area extending not more than one mile beyond its limits. With the approval of the board or boards of county commissioners with jurisdiction over the area, a city of 10,000 or more population but less than 25,000 may exercise these powers over an area extending not more than two miles beyond its limits and a city of 25,000 or more population may exercise these powers over an area extending not more than three miles beyond its limits. The boundaries of the city's extraterritorial jurisdiction shall be the same for all powers conferred in this Article. No city may exercise extraterritorially any power conferred by this Article that it is not exercising within its corporate limits. In determining the population of a city for the purposes of this Article, the city council and the board of county commissioners may use the most recent annual estimate of population as certified by the Secretary of the North Carolina Department of Administration.~~



1 (a1) Any municipality planning to exercise extraterritorial jurisdiction under this Article
2 shall notify the owners of all parcels of land proposed for addition to the area of extraterritorial
3 jurisdiction, as shown on the county tax records. The notice shall be sent by first class mail to
4 the last addresses listed for affected property owners in the county tax records. The notice shall
5 inform the landowner of the effect of the extension of extraterritorial jurisdiction, of the
6 landowner's right to participate in a public hearing prior to adoption of any ordinance extending
7 the area of extraterritorial jurisdiction, as provided in G.S. 160A-364, and the right of all
8 residents of the area to apply to the board of county commissioners to serve as a representative
9 on the planning board and the board of adjustment, as provided in G.S. 160A-362. The notice
10 shall be mailed at least four weeks prior to the public hearing. The person or persons mailing
11 the notices shall certify to the city council that the notices were sent by first class mail, and the
12 certificate shall be deemed conclusive in the absence of fraud.

13 (b) Any council wishing to exercise extraterritorial jurisdiction under this Article shall
14 adopt, and may amend from time to time, an ordinance specifying the areas to be included
15 based upon existing or projected urban development and areas of critical concern to the city, as
16 evidenced by officially adopted plans for its development. Boundaries shall be defined, to the
17 extent feasible, in terms of geographical features identifiable on the ground. A council may, in
18 its discretion, exclude from its extraterritorial jurisdiction areas lying in another county, areas
19 separated from the city by barriers to urban growth, or areas whose projected development will
20 have minimal impact on the city. The boundaries specified in the ordinance shall at all times be
21 drawn on a map, set forth in a written description, or shown by a combination of these
22 techniques. This delineation shall be maintained in the manner provided in G.S. 160A-22 for
23 the delineation of the corporate limits, and shall be recorded in the office of the register of
24 deeds of each county in which any portion of the area lies.

25 (c) Where the extraterritorial jurisdiction of two or more cities overlaps, the
26 jurisdictional boundary between them shall be a line connecting the midway points of the
27 overlapping area unless the city councils agree to another boundary line within the overlapping
28 area based upon existing or projected patterns of development.

29 (d) If a city fails to adopt an ordinance specifying the boundaries of its extraterritorial
30 jurisdiction, the county of which it is a part shall be authorized to exercise the powers granted
31 by this Article in any area beyond the city's corporate limits. The county may also, on request
32 of the city council, exercise any or all these powers in any or all areas lying within the city's
33 corporate limits or within the city's specified area of extraterritorial jurisdiction.

34 (e) No city may hereafter extend its extraterritorial powers under this Article into any
35 area for which the county at that time has adopted and is enforcing a zoning ordinance and
36 subdivision regulations and within which it is enforcing the State Building Code. However, the
37 city may do so where the county is not exercising all three of these powers, or when the city
38 and the county have agreed upon the area within which each will exercise the powers conferred
39 by this Article.

40 (f)(b) When a city ~~annexes~~, annexes or a new city is incorporated in, or a city extends its
41 jurisdiction to include, in an area that is currently being regulated by the ~~county~~, county under
42 this Article or Article 18 of Chapter 153A of the General Statutes, the county regulations and
43 powers of enforcement shall remain in effect until (i) the city has adopted such regulations, or
44 (ii) a period of 60 days has elapsed following the ~~annexation~~, extension annexation or
45 incorporation, whichever is sooner. During this period the city may hold hearings and take any
46 other measures that may be required in order to adopt its regulations for the area.

47 (f1) When a city relinquishes jurisdiction over an area that it is regulating under this
48 Article to a county, the city regulations and powers of enforcement shall remain in effect until
49 (i) the county has adopted this regulation or (ii) a period of 60 days has elapsed following the
50 action by which the city relinquished jurisdiction, whichever is sooner. During this period the

1 county may hold hearings and take other measures that may be required in order to adopt its
2 regulations for the area.

3 ~~(g) When a local government is granted powers by this section subject to the request,~~
4 ~~approval, or agreement of another local government, the request, approval, or agreement shall~~
5 ~~be evidenced by a formally adopted resolution of that government's legislative body. Any such~~
6 ~~request, approval, or agreement can be rescinded upon two years' written notice to the other~~
7 ~~legislative bodies concerned by repealing the resolution. The resolution may be modified at any~~
8 ~~time by mutual agreement of the legislative bodies concerned.~~

9 ~~(h) Nothing in this section shall repeal, modify, or amend any local act which defines~~
10 ~~the boundaries of a city's extraterritorial jurisdiction by metes and bounds or courses and~~
11 ~~distances.~~

12 ~~(i) Whenever a city or county, pursuant to this section, acquires jurisdiction over a~~
13 ~~territory that theretofore has been subject to the jurisdiction of another local government, any~~
14 ~~person who has acquired vested rights under a permit, certificate, or other evidence of~~
15 ~~compliance issued by the local government surrendering jurisdiction may exercise those rights~~
16 ~~as if no change of jurisdiction had occurred. The city or county acquiring jurisdiction may take~~
17 ~~any action regarding such a permit, certificate, or other evidence of compliance that could have~~
18 ~~been taken by the local government surrendering jurisdiction pursuant to its ordinances and~~
19 ~~regulations. Except as provided in this subsection, any building, structure, or other land use in a~~
20 ~~territory over which a city or county has acquired jurisdiction is subject to the ordinances and~~
21 ~~regulations of the city or county.~~

22 ~~(j) Repealed by Session Laws 1973, c. 669, s. 1.~~

23 ~~(k) As used in this subsection, "bona fide farm purposes" is as described in~~
24 ~~G.S. 153A-340. As used in this subsection, "property" means a single tract of property or an~~
25 ~~identifiable portion of a single tract. Property that is located in the geographic area of a~~
26 ~~municipality's extraterritorial jurisdiction and that is used for bona fide farm purposes is exempt~~
27 ~~from exercise of the municipality's extraterritorial jurisdiction under this Article. Property that~~
28 ~~is located in the geographic area of a municipality's extraterritorial jurisdiction and that ceases~~
29 ~~to be used for bona fide farm purposes shall become subject to exercise of the municipality's~~
30 ~~extraterritorial jurisdiction under this Article. For purposes of complying with 44 C.F.R. Part~~
31 ~~60, Subpart A, property that is exempt from the exercise of extraterritorial jurisdiction pursuant~~
32 ~~to this subsection shall be subject to the county's floodplain ordinance or all floodplain~~
33 ~~regulation provisions of the county's unified development ordinance.~~

34 ~~(l) A municipality may provide in its zoning ordinance that an accessory building of a~~
35 ~~"bona fide farm" as defined by G.S. 153A-340(b) has the same exemption from the building~~
36 ~~code as it would have under county zoning as provided by Part 3 of Article 18 of Chapter 153A~~
37 ~~of the General Statutes.~~

38 ~~This subsection applies only to the City of Raleigh and the Towns of Apex, Cary,~~
39 ~~Fuquay Varina, Garner, Holly Springs, Knightdale, Morrisville, Rolesville, Wake Forest,~~
40 ~~Wendell, and Zebulon."~~

41 **SECTION 2.** G.S. 160A-361 reads as rewritten:

42 **"§ 160A-361. Planning boards.**

43 (a) Any city may by ordinance create or designate one or more boards or commissions
44 to perform the following duties:

45 (1) ~~Make studies of the area within its jurisdiction and surrounding areas;~~the
46 city's corporate limits;

47"

48 **SECTION 3.** G.S. 160A-362 is repealed.

49 **SECTION 4.** Any provision in a local act that grants a city, town, or village the
50 power to exercise extraterritorial planning jurisdiction under Article 19 of Chapter 160A of the
51 General Statutes is hereby repealed.

1 **SECTION 5.** The relinquishment of jurisdiction over an area that a city is
2 regulating under the authority of extraterritorial planning jurisdiction under Article 19 of
3 Chapter 160A of the General Statutes shall be effective January 1, 2016. However, nothing in
4 this act shall be construed as prohibiting a city from relinquishing jurisdiction over an area
5 prior to January 1, 2016, so long as the city complies with the provisions of Article 19 of
6 Chapter 160A of the General Statutes.

7 **SECTION 6.** Upon relinquishment of the jurisdiction over an area that a city is
8 regulating under the authority of extraterritorial planning jurisdiction under Article 19 of
9 Chapter 160A of the General Statutes:

- 10 (1) The city regulations and powers of enforcement shall remain in effect until
11 (i) the county has adopted the regulation or (ii) a period of 60 days has
12 elapsed following the effective date of this act, whichever is sooner. During
13 this period, the county may hold hearings and take other measures that may
14 be required in order to adopt its regulations for the area.
- 15 (2) Any person who has acquired vested rights under a permit, certificate, or
16 other evidence of compliance issued by the city may exercise those rights as
17 if no change of jurisdiction had occurred. The county acquiring jurisdiction
18 may take any action regarding such a permit, certificate, or other evidence of
19 compliance that could have been taken by the city surrendering jurisdiction
20 pursuant to its ordinances and regulations. Except as provided in this section,
21 any building, structure, or other land use in a territory over which a county
22 has acquired jurisdiction is subject to the ordinances and regulations of the
23 county.
24

25 **PART II. CONFORMING CHANGES**

26 **SECTION 7.** G.S. 113A-208 reads as rewritten:

27 **"§ 113A-208. Regulation of mountain ridge construction by counties and cities.**

28 ...

29 (d) An ordinance adopted under the authority of this section applies to all protected
30 mountain ridges as defined in G.S. 113A-206. A county or city may apply the ordinance to
31 other mountain ridges within its jurisdiction if it finds that this application is reasonably
32 necessary to protect against some or all of the hazards or problems set forth in G.S. 113A-207.
33 ~~Additionally, a city with a population of 50,000 or more may apply the ordinance to other~~
34 ~~mountain ridges within its extraterritorial planning jurisdiction if it finds that this application is~~
35 ~~reasonably necessary to protect against some or all of the hazards or problems set forth in~~
36 ~~G.S. 113A-207.~~

37 "

38 **SECTION 8.** G.S. 122C-3 reads as rewritten:

39 **"§ 122C-3. Definitions.**

40 The following definitions apply in this Chapter:

41 ...

42 (13e) "Extraterritorial jurisdiction" means the boundaries of the area over which
43 the Town of Butner was exercising extraterritorial planning jurisdiction
44 under Article 19 of Chapter 160A of the General Statutes prior to the Town's
45 relinquishment of jurisdiction over the area on or before January 1, 2016.

46 "

47 **SECTION 9.** G.S. 122C-403 reads as rewritten:

48 **"§ 122C-403. Secretary's authority over Camp Butner reservation.**

49 The Secretary shall administer the Camp Butner reservation except (i) those areas within
50 the municipal boundaries of the Town of Butner and (ii) that portion of the Town of Butner's
51 extraterritorial ~~jurisdiction~~ jurisdiction, as defined in G.S. 122C-3(13e), consisting of lands not

1 owned by the State of North Carolina. In performing this duty, the Secretary has the powers
2 listed below. In exercising these powers the Secretary has the same authority and is subject to
3 the same restrictions that the governing body of a city would have and would be subject to if
4 the reservation was a city, unless this section provides to the contrary. The Secretary may:

5"

6 **SECTION 10.** G.S. 122C-405 reads as rewritten:

7 **"§ 122C-405. Procedure applicable to rules.**

8 Rules adopted by the Secretary under this Article shall be adopted in accordance with the
9 procedures for adopting a city ordinance on the same subject, shall be subject to review in the
10 manner provided for a city ordinance adopted on the same subject, and shall be enforceable in
11 accordance with the procedures for enforcing a city ordinance on the same subject. Violation of
12 a rule adopted under this Article is punishable as provided in G.S. 122C-406.

13 Rules adopted under this Article may apply to part or all of the Camp Butner Reservation,
14 except those areas within the municipal boundaries of the Town of Butner and that portion of
15 the Town of Butner's extraterritorial ~~jurisdiction~~ jurisdiction, as defined in G.S. 122C-3(13e),
16 consisting of lands not owned by the State of North Carolina. If a public hearing is required
17 before the adoption of a rule, Advisory the Secretary shall designate one or more employees of
18 the Department to conduct the hearing. The Butner Town Council shall receive at least 14 days'
19 advance written notice of any public hearing with all correspondence concerning such public
20 hearings to be directed to the mayor of the Town of Butner and sent by certified mail, return
21 receipt requested, or equivalent delivery service to Butner Town Hall."

22 **SECTION 11.** G.S. 122C-410 reads as rewritten:

23 **"§ 122C-410. Authority of county or city over Camp Butner Reservation; zoning
24 jurisdiction by Town of Butner over State lands.**

25 (a) A municipality other than the Town of Butner may not annex territory extending
26 into ~~or extend its extraterritorial jurisdiction into~~ the Camp Butner reservation without written
27 approval from the Secretary and the Butner Town Council of each proposed ~~annexation or~~
28 ~~extension~~ annexation. The Town of Butner may not annex territory extending into ~~or extend its~~
29 ~~extraterritorial jurisdiction into~~ those portions of the Camp Butner Reservation owned by the
30 State of North Carolina without written approval from the Secretary of each proposed
31 ~~annexation or extension~~ annexation. The procedures, if any, for withdrawing approval granted
32 by the Secretary to an annexation ~~or extension of extraterritorial jurisdiction~~ shall be stated in
33 the notice of approval.

34 (b) A county ordinance may apply in part or all of the Camp Butner reservation (other
35 than areas within the Town of Butner) if the Secretary gives written approval of the ~~ordinance,~~
36 ~~except that ordinances adopted by a county under Article 18 of Chapter 153A of the General~~
37 ~~Statutes may not apply in the extraterritorial jurisdiction of the Town of Butner without~~
38 ~~approval of the Butner Town Council.~~ ordinance. The Secretary may withdraw approval of a
39 county ordinance by giving written notification, by certified mail, return receipt requested, to
40 the county. A county ordinance ceases to be effective in the Camp Butner reservation 30 days
41 after the county receives the written notice of the withdrawal of approval. This section does not
42 enhance or diminish the authority of a county to enact ordinances applicable to the Town of
43 ~~Butner and its extraterritorial jurisdiction~~ Butner.

44 (c) Notwithstanding any other provision of this Article, no portion of the lands owned
45 by the State as of September 1, 2007, which are located in the ~~extraterritorial jurisdiction or the~~
46 incorporated limits of the Town of Butner shall be subject to any of the powers granted to the
47 Town of Butner pursuant to Article 19 of Chapter 160A of the General Statutes except as to
48 property no longer owned by the State. If any portion of such property owned by the State of
49 North Carolina as of September 1, 2007, is no longer owned by the State, the Town of Butner
50 may exercise all legal authority granted to the Town pursuant to the terms of its charter or by
51 Article 19 of Chapter 160A of the General Statutes and may do so by ordinances adopted prior

1 to the actual date of transfer. Before the State shall dispose of any property inside the
2 incorporated limits of the Town of Butner or any of that property currently under the control of
3 the North Carolina Department of Health and Human Services or the North Carolina
4 Department of Agriculture and Consumer Services within the extraterritorial
5 ~~jurisdiction~~jurisdiction, as defined in G.S. 122C-3(13e), of the Town of Butner, southeast of
6 Old Highway 75, northeast of Central Avenue, southwest of 33rd Street, and northwest of "G"
7 Street, by sale or lease for any use not directly associated with a State function, the Town of
8 Butner shall first be given the right of first refusal to purchase said property at fair market value
9 as determined by the average of the value of said property as determined by a qualified
10 appraiser selected by the Secretary and a qualified appraiser selected by the Town of Butner."

11 **SECTION 12.** G.S. 130A-317 reads as rewritten:

12 "**§ 130A-317. Department to provide advice; submission and approval of public water**
13 **system plans.**

14 ...

15 (d) Municipalities, counties, local boards or commissions, water and sewer authorities,
16 or groups of municipalities and counties may establish and administer within their utility
17 service areas their own approval program in lieu of State approval of water system plans
18 required in subsection (c) of this section for construction or alteration of the distribution system
19 of a proposed or existing public water system, subject to the prior certification of the
20 Department. For purposes of this subsection, the service area of a municipality shall include
21 only that area within the corporate limits of the municipality and that area outside a
22 municipality in its extraterritorial jurisdiction where water service is already being provided to
23 the permit applicant by the municipality or connection to the municipal water system is
24 immediately available to the applicant; the service areas of counties and the other entities or
25 groups shall include only those areas where water service is already being provided to the
26 applicant by the permitting authority or connection to the permitting authority's system is
27 immediately available. For purposes of this subsection, the term "extraterritorial jurisdiction"
28 means the boundaries of the area over which a municipality was exercising extraterritorial
29 planning jurisdiction under Article 19 of Chapter 160A of the General Statutes prior to the
30 municipality's relinquishment of jurisdiction over the area on or before January 1, 2016. No
31 later than the 180th day after the receipt of an approval program and statement submitted by
32 any local government, commission, authority, or board, the Department shall certify any local
33 program that meets all of the following conditions:

34"

35 **SECTION 13.** G.S. 136-44.50 reads as rewritten:

36 "**§ 136-44.50. Transportation corridor official map act.**

37 (a) A transportation corridor official map may be adopted or amended by any of the
38 following:

- 39 (1) The governing board of any local government for any thoroughfare included
40 as part of a comprehensive plan for streets and highways adopted pursuant to
41 G.S. 136-66.2 or for any proposed public transportation corridor included in
42 the adopted long-range transportation plan.
- 43 (2) The Board of Transportation, or the governing board of any county, for any
44 portion of the existing or proposed State highway system or for any public
45 transportation corridor, to include rail, that is in the Transportation
46 Improvement Program.
- 47 (3) Regional public transportation authorities created pursuant to Article 26 of
48 Chapter 160A of the General Statutes or regional transportation authorities
49 created pursuant to Article 27 of Chapter 160A of the General Statutes for
50 any portion of the existing or proposed State highway system, or for any

1 proposed public transportation corridor, or adjacent station or parking lot,
 2 included in the adopted long-range transportation plan.

3 (4) The North Carolina Turnpike Authority for any project being studied
 4 pursuant to G.S. 136-89.183.

5 (5) The Wilmington Urban Area Metropolitan Planning Organization for
 6 Department projects R-3300 and U-4751.

7 ~~Before a city adopts a transportation corridor official map that extends beyond the~~
 8 ~~extraterritorial jurisdiction of its building permit issuance and subdivision control ordinances,~~
 9 ~~or adopts an amendment to a transportation corridor official map outside the extraterritorial~~
 10 ~~jurisdiction of its building permit issuance and subdivision control ordinances, the city shall~~
 11 ~~obtain approval from the Board of County Commissioners.~~

12 (a1) No property may be regulated under this Article until:

13 (1) The governing board of the city, the county, the regional transportation
 14 authority, the North Carolina Turnpike Authority, or the Department of
 15 Transportation has held a public hearing in each county affected by the map
 16 on the proposed map or amendment. Notice of the hearing shall be provided:

17 a. By publication at least once a week for four successive weeks prior
 18 to the hearing in a newspaper having general circulation in the
 19 county in which the transportation corridor to be designated is
 20 located.

21 b. By two week written notice to the Secretary of Transportation, the
 22 Chairman of the Board of County Commissioners, and the Mayor of
 23 any city or town through whose corporate ~~or extraterritorial~~
 24 ~~jurisdiction limits~~ the transportation corridor passes.

25 c. By posting copies of the proposed transportation corridor map or
 26 amendment at the courthouse door for at least 21 days prior to the
 27 hearing date. The notice required in sub-subdivision a. above shall
 28 make reference to this posting.

29 d. By first-class mail sent to each property owner affected by the
 30 corridor. The notice shall be sent to the address listed for the owner
 31 in the county tax records.

32"

33 **SECTION 14.** G.S. 136-55.1 reads as rewritten:

34 "**§ 136-55.1. Notice of abandonment.**

35 (a) At least 60 days prior to any action by the Department of Transportation abandoning
 36 a segment of road and removing the same from the State highway system for maintenance,
 37 except roads abandoned on request of the county commissioners under G.S. 136-63, the
 38 Department of Transportation shall notify by registered mail or personal delivery all owners of
 39 property adjoining the section of road to be abandoned whose whereabouts can be ascertained
 40 by due diligence. Said notice shall describe the section of road which is proposed to be
 41 abandoned and shall give the date, place and time of the Department of Transportation meeting
 42 at which the action abandoning said section of road is to be taken.

43 (b) ~~In keeping with its overall zoning scheme and long-range plans regarding the~~
 44 ~~extraterritorial jurisdiction area, a~~ A municipality may keep open and assume responsibility for
 45 maintenance of a road within one mile of its corporate limits once it is abandoned from the
 46 State highway system."

47 **SECTION 15.** G.S. 136-63 reads as rewritten:

48 "**§ 136-63. Change or abandonment of roads.**

49 (a) The board of county commissioners of any county may, on its own motion or on
 50 petition of a group of citizens, request the Board of Transportation to change or abandon any
 51 road in the secondary system when the best interest of the people of the county will be served

1 thereby. The Board of Transportation shall thereupon make inquiry into the proposed change or
2 abandonment, and if in its opinion the public interest demands it, shall make such change or
3 abandonment. If the change or abandonment shall affect a road connecting with any street of a
4 city or town, the change or abandonment shall not be made until the street-governing body of
5 the city or town shall have been duly notified and given opportunity to be heard on the
6 question. Any request by a board of county commissioners or street-governing body of a city
7 refused by the Board of Transportation may be presented again upon the expiration of 12
8 months.

9 (b) ~~In keeping with its overall zoning scheme and long range plans regarding the~~
10 ~~extraterritorial jurisdiction area, a~~ A municipality may keep open and assume responsibility for
11 maintenance of a road within one mile of its corporate limits once it is abandoned from the
12 State highway system."

13 **SECTION 16.** G.S. 136-66.3 reads as rewritten:

14 "**§ 136-66.3. Local government participation in improvements to the State transportation**
15 **system.**

16 (a) Municipal Participation Authorized. – A municipality may, but is not required to,
17 participate in the right-of-way and construction cost of a State transportation improvement
18 approved by the Board of Transportation under G.S. 143B-350(f)(4) that is located in the
19 ~~municipality or its extraterritorial jurisdiction.~~ municipality.

20"

21 **SECTION 17.** G.S. 143-138 reads as rewritten:

22 "**§ 143-138. North Carolina State Building Code.**

23 ...

24 (e) Effect upon Local Codes. – Except as otherwise provided in this section, the North
25 Carolina State Building Code shall apply throughout the State, from the time of its adoption.
26 Approved rules shall become effective in accordance with G.S. 150B-21.3. However, any
27 political subdivision of the State may adopt a fire prevention code and floodplain management
28 regulations within its jurisdiction. The territorial jurisdiction of any municipality or county for
29 this purpose, unless otherwise specified by the General Assembly, shall be as follows:
30 Municipal jurisdiction shall include all areas within the corporate limits of the ~~municipality and~~
31 ~~extraterritorial jurisdiction areas established as provided in G.S. 160A-360 or a local~~
32 ~~act;~~ municipality; county jurisdiction shall include all other areas of the county. No such code or
33 regulations, other than floodplain management regulations and those permitted by
34 G.S. 160A-436, shall be effective until they have been officially approved by the Building
35 Code Council as providing adequate minimum standards to preserve and protect health and
36 safety, in accordance with the provisions of subsection (c) above. Local floodplain regulations
37 may regulate all types and uses of buildings or structures located in flood hazard areas
38 identified by local, State, and federal agencies, and include provisions governing substantial
39 improvements, substantial damage, cumulative substantial improvements, lowest floor
40 elevation, protection of mechanical and electrical systems, foundation construction, anchorage,
41 acceptable flood resistant materials, and other measures the political subdivision deems
42 necessary considering the characteristics of its flood hazards and vulnerability. In the absence
43 of approval by the Building Code Council, or in the event that approval is withdrawn, local fire
44 prevention codes and regulations shall have no force and effect. Provided any local regulations
45 approved by the local governing body which are found by the Council to be more stringent than
46 the adopted statewide fire prevention code and which are found to regulate only activities and
47 conditions in buildings, structures, and premises that pose dangers of fire, explosion or related
48 hazards, and are not matters in conflict with the State Building Code, shall be approved. Local
49 governments may enforce the fire prevention code of the State Building Code using civil
50 remedies authorized under G.S. 143-139, 153A-123, and 160A-175. If the Commissioner of
51 Insurance or other State official with responsibility for enforcement of the Code institutes a

1 civil action pursuant to G.S. 143-139, a local government may not institute a civil action under
2 G.S. 143-139, 153A-123, or 160A-175 based upon the same violation. Appeals from the
3 assessment or imposition of such civil remedies shall be as provided in G.S. 160A-434.

4 A local government may not adopt any ordinance in conflict with the exemption provided
5 by subsection (c1) of this section. No local ordinance or regulation shall be construed to limit
6 the exemption provided by subsection (c1) of this section.

7"

8 **SECTION 18.** G.S. 143-215.1 reads as rewritten:

9 **"§ 143-215.1. Control of sources of water pollution; permits required.**

10 ...

11 (f) Local Permit Programs for Sewer Extension and Reclaimed Water Utilization. –
12 Municipalities, counties, local boards or commissions, water and sewer authorities, or groups of
13 municipalities and counties may establish and administer within their utility service areas their
14 own general permit programs in lieu of State permit required in G.S. 143-215.1(a)(2), (3), and
15 (8) above, for construction, operation, alteration, extension, change of proposed or existing
16 sewer system, subject to the prior certification of the Commission. For purposes of this
17 subsection, the service area of a municipality shall include only that area within the corporate
18 limits of the municipality and that area outside a municipality in its extraterritorial jurisdiction
19 where sewer service or a reclaimed water utilization system is already being provided by the
20 municipality to the permit applicant or connection to the municipal sewer system or a reclaimed
21 water utilization system is immediately available to the applicant; the service areas of counties
22 and the other entities or groups shall include only those areas where sewer service or a
23 reclaimed water utilization system is already being provided to the applicant by the permitting
24 authority or connection to the permitting authority's system is immediately available. For
25 purposes of this subsection, the term "extraterritorial jurisdiction" means the boundaries of the
26 area over which a municipality was exercising extraterritorial planning jurisdiction under
27 Article 19 of Chapter 160A of the General Statutes prior to the municipality's relinquishment of
28 jurisdiction over the area on or before January 1, 2016. No later than the 180th day after the
29 receipt of a program and statement submitted by any local government, commission, authority,
30 or board the Commission shall certify any local program that does all of the following:

31"

32 **SECTION 19.** G.S. 143-215.57 reads as rewritten:

33 **"§ 143-215.57. Procedures in issuing permits.**

34 ...

35 (b) In prescribing standards and requirements for the issuance of permits under this Part
36 and in issuing permits, local governments shall proceed as in the case of an ordinance for the
37 better government of the county or city as the case may be. A city may exercise the powers
38 granted in this Part ~~not only within its corporate boundaries but also within the area of its~~
39 ~~extraterritorial zoning jurisdiction boundaries.~~ A county may exercise the powers granted in
40 this Part at any place within the county that is outside the zoning jurisdiction of a city in the
41 county. ~~If a city does not exercise the powers granted in this Part in the city's extraterritorial~~
42 ~~zoning jurisdiction, the county may exercise the powers granted in this Part in the city's~~
43 ~~extraterritorial zoning jurisdiction.~~The county may regulate territory within the zoning
44 jurisdiction of any city whose governing body, by resolution, agrees to the regulation. The
45 governing body of a city may, upon one year's written notice, withdraw its approval of the
46 county regulations, and those regulations shall have no further effect within the city's
47 jurisdiction.

48"

49 **SECTION 20.** G.S. 153A-317.14 reads as rewritten:

50 **"§ 153A-317.14. Extension of economic development and training districts.**

1 (a) Standards. – A board of commissioners may by resolution annex territory to an
2 economic development and training district upon finding that:

- 3 (1) The conditions, covenants, restrictions, and reservations required by
4 G.S. 153A-317.12(a)(1) that apply to all real property in the district, other
5 than property owned by the federal, State, or local government, also apply or
6 will apply to the property, other than property owned by the federal
7 government, to be annexed.
- 8 (2) One hundred percent (100%) of the owners of real property in the area to be
9 annexed have petitioned for annexation.
- 10 (3) The district, following the annexation, will continue to meet the standards
11 set out in G.S. 153A-317.12(a).
- 12 (4) The reasonably anticipated training needs of the existing companies in the
13 area to be annexed and of new companies that may locate within the
14 expanded area can be met by the skills training facility located in the district.
- 15 (5) The area to be annexed is either contiguous to a lot, parcel, or tract of land in
16 the district or at least 500 acres in the aggregate counting all parcels
17 proposed for annexation. A property shall, for purposes of this section, be
18 deemed to be contiguous notwithstanding that it may be separated from
19 other property by a street, road, highway, right-of-way, or easement.
- 20 (6) ~~If any of the area proposed to be annexed to the district is wholly or partially~~
21 ~~within the extraterritorial jurisdiction of a municipality, then it shall be~~
22 ~~necessary to first obtain the affirmative vote of a majority of the members of~~
23 ~~the governing body of the municipality before the area can be annexed.~~

24"

25 **SECTION 21.** G.S. 160A-58.4 reads as rewritten:

26 **"§ 160A-58.4. Extraterritorial powers.**

27 Satellite corporate limits shall not be considered a part of the city's corporate limits for the
28 purposes of ~~extraterritorial land use regulation pursuant to G.S. 160A-360, or abatement of~~
29 ~~public health nuisances pursuant to G.S. 160A-193. However, a city's power to regulate land~~
30 ~~use pursuant to Chapter 160A, Article 19, or to abate public health nuisances pursuant to~~
31 ~~G.S. 160A-193, G.S. 160A-193~~ shall be the same within satellite corporate limits as within its
32 primary corporate limits."

33 **SECTION 22.** G.S. 160A-176.1 reads as rewritten:

34 **"§ 160A-176.1. Ordinances effective in Atlantic Ocean.**

35 (a) A city may adopt ordinances to regulate and control swimming, surfing and littering
36 in the Atlantic Ocean adjacent to that portion of the city within its ~~boundaries or within its~~
37 ~~extraterritorial jurisdiction; boundaries;~~ provided, however, nothing contained herein shall be
38 construed to permit any city to prohibit altogether swimming and surfing or to make these
39 activities unlawful.

40 (b) This section shall apply only to cities in the counties of Brunswick, Carteret,
41 Currituck, Dare, Hyde, New Hanover, Onslow, and Pender."

42 **SECTION 23.** G.S. 160A-176.2 reads as rewritten:

43 **"§ 160A-176.2. Ordinances effective in Atlantic Ocean.**

44 (a) A city may adopt ordinances to regulate and control swimming, personal watercraft
45 operation, surfing and littering in the Atlantic Ocean and other waterways adjacent to that
46 portion of the city within its ~~boundaries or within its extraterritorial jurisdiction; boundaries;~~
47 provided, however, nothing contained herein shall be construed to permit any city to prohibit
48 altogether swimming or surfing or to make these activities unlawful.

49 (b) Subsection (a) of this section applies to the Towns of Atlantic Beach, Calabash,
50 Cape Carteret, Carolina Beach, Caswell Beach, Duck, Emerald Isle, Holden Beach, Kill Devil

1 Hills, Kitty Hawk, Manteo, Nags Head, Oak Island, Ocean Isle Beach, Southern Shores, Sunset
2 Beach, Topsail Beach, and Wrightsville Beach, and the City of Southport only."

3 **SECTION 24.** G.S. 160A-199 reads as rewritten:

4 **"§ 160A-199. Regulation of outdoor advertising.**

5 ...

6 (m) This section does not apply to any ordinance in effect on the effective date of this
7 section. A city may amend an ordinance in effect on the effective date of this section to extend
8 application of the ordinance to off-premises outdoor advertising located in territory acquired by
9 ~~annexation or located in the extraterritorial jurisdiction of the city.~~annexation. A city may
10 repeal or amend an ordinance in effect on the effective date of this section so long as the
11 amendment to the existing ordinance does not reduce the period of amortization in effect on the
12 effective date of this section.

13"

14 **SECTION 25.** G.S. 160A-296 reads as rewritten:

15 **"§ 160A-296. Establishment and control of streets; center and edge lines.**

16 ...

17 ~~(a1) A city with a population of 250,000 or over according to the most recent decennial
18 federal census may also exercise the power granted by subdivision (a)(3) of this section within
19 its extraterritorial planning jurisdiction. Before a city makes improvements under this
20 subsection, it shall enter into a memorandum of understanding with the Department of
21 Transportation to provide for maintenance.~~

22"

23 **SECTION 26.** G.S. 160A-299 reads as rewritten:

24 **"§ 160A-299. Procedure for permanently closing streets and alleys.**

25 ...

26 (d) This section shall apply to any street or public alley within a city ~~or its~~
27 ~~extraterritorial jurisdiction~~ that has been irrevocably dedicated to the public, without regard to
28 whether it has actually been opened. This section also applies to unopened streets or public
29 alleys that are shown on plats but that have not been accepted or maintained by the city,
30 provided that this section shall not abrogate the rights of a dedicator, or those claiming under a
31 dedicator, pursuant to G.S. 136-96.

32"

33 **SECTION 27.** G.S. 160A-340.2 reads as rewritten:

34 **"§ 160A-340.2. Exemptions.**

35 ...

36 (c) The provisions of G.S. 160A-340.1, 160A-340.3, 160A-340.4, 160A-340.5, and
37 160A-340.6 do not apply to a city or joint agency providing communications service as of
38 January 1, 2011, provided the city or joint agency limits the provision of communications
39 service to any one or more of the following:

40 ...

41 (3) The following service areas:

- 42 a. For the joint agency operated by the cities of Davidson and
43 Mooresville, the service area is the combined areas of the city of
44 Cornelius; the town of Troutman; the town of Huntersville; the
45 unincorporated areas of Mecklenburg County north of a line
46 beginning at Highway 16 along the west boundary of the county,
47 extending eastward along Highway 16, continuing east along
48 Interstate 485, and continuing eastward to the eastern boundary of
49 the county along Eastfield Road; and the unincorporated areas of
50 Iredell County south of Interstate 40, excluding the City of
51 Statesville and the extraterritorial jurisdiction of the City of

Statesville. For purposes of this sub-subdivision, the term "extraterritorial jurisdiction" means the boundaries of the area over which the City of Statesville was exercising extraterritorial planning jurisdiction under Article 19 of Chapter 160A of the General Statutes prior to the City's relinquishment of jurisdiction over the area on or before January 1, 2016.

...."

SECTION 28. G.S. 160A-383.4 reads as rewritten:

"§ 160A-383.4. Local energy efficiency incentives.

(a) Land-Use Development Incentives. – Counties and municipalities, for the purpose of reducing the amount of energy consumption by new development, and thereby promoting the public health, safety, and welfare, may adopt ordinances to grant a density bonus, make adjustments to otherwise applicable development requirements, or provide other incentives to a developer or builder within the county or municipality ~~and its extraterritorial planning jurisdiction~~ if the developer or builder agrees to construct new development or reconstruct existing development in a manner that the county or municipality determines, based on generally recognized standards established for such purposes, makes a significant contribution to the reduction of energy consumption.

(b) Repealed by Session Laws 2009-95, s. 1, effective June 11, 2009."

SECTION 29. G.S. 160A-459 reads as rewritten:

"§ 160A-459. Stormwater control.

...

~~(e) Unless the city requests the permit condition in its permit application, the Environmental Management Commission may not require as a condition of a National Pollutant Discharge Elimination System (NPDES) stormwater permit issued pursuant to G.S. 143-214.7 that a city implement the measure required by 40 Code of Federal Regulations § 122.34(b)(3)(1 July 2003 Edition) in its extraterritorial jurisdiction."~~

PART III. EFFECTIVE DATE

SECTION 30. The headings to the parts of this act are a convenience to the reader and are for reference only. The headings do not expand, limit, or define the text of this act.

SECTION 31. This act becomes effective January 1, 2016.