

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2001

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HOUSE BILL 1640  
Committee Substitute Favorable 7/31/02  
Committee Substitute #2 Favorable 9/5/02  
Committee Substitute #3 Favorable 9/25/02

Short Title: Duck/Manteo/Chowan County Local Amendments. (Local)

Sponsors:

Referred to:

June 13, 2002

A BILL TO BE ENTITLED

1 AN ACT TO INCLUDE THE TOWN OF DUCK AS A MUNICIPALITY  
2 AUTHORIZED TO REGULATE AND CONTROL SWIMMING, PERSONAL  
3 WATERCRAFT, SURFING, AND LITTERING IN THE ATLANTIC OCEAN  
4 AND OTHER WATERWAYS ADJACENT TO THAT PORTION OF THE TOWN  
5 WITHIN ITS BOUNDARIES OR WITHIN ITS EXTRATERRITORIAL  
6 JURISDICTION; TO DESIGNATE THE TOWN COUNCIL OF THE TOWN OF  
7 DUCK AS THE GOVERNING BODY OF THE DUCK AREA  
8 BEAUTIFICATION DISTRICT; TO PERMIT THE TOWN OF MANTEO TO  
9 DECREASE THE DISTANCE WITHIN WHICH A VEHICLE MAY PARK  
10 FROM THE INTERSECTION OF CURB LINES; TO AMEND THE DEFINITION  
11 OF SUBDIVISION AS IT APPLIES IN CHOWAN COUNTY; AND TO ALTER  
12 THE COMPOSITION OF THE DARE COUNTY TOURISM BOARD.  
13

14 The General Assembly of North Carolina enacts:

15 **SECTION 1.** G.S. 160A-176.2(b) reads as rewritten:

16 "(b) Subsection (a) of this section applies to the Towns of Atlantic Beach, Cape  
17 Carteret, Carolina Beach, Caswell Beach, Duck, Emerald Isle, Holden Beach, Kill Devil  
18 Hills, Kitty Hawk, ~~Long Beach~~, Manteo, Nags Head, Oak Island, Ocean Isle Beach,  
19 Southern Shores, Sunset Beach, Topsail Beach, and Wrightsville Beach, ~~and Yaupon~~  
20 ~~Beach~~, and the City of Southport only."

21 **SECTION 2.** Section 4 of Chapter 991 of the 1983 Session Laws, Regular  
22 Session 1984, as amended by Section 23(a) of Chapter 646 of the 1995 Session Laws,  
23 Regular Session 1996, reads as rewritten:

24 "Sec. 4. District Established; Tax Levy. If a majority of the qualified voters voting in  
25 an election called under Section 1 of this act vote in favor of creating the Duck Area  
26 Beautification District and authorizing the levy and collection of an ad valorem tax in  
27 the district, the Dare County Board of Commissioners shall, upon receipt of a certified

1 copy of the election results, adopt a resolution creating the Duck Area Beautification  
2 District and shall file a copy of the resolution with the clerk of superior court of Dare  
3 County. ~~Upon establishing the Duck Area Beautification District, the Dare County~~  
4 ~~Board of Commissioners~~ The Town Council of the Town of Duck may annually levy on  
5 behalf of the district an ad valorem tax on all taxable property in the district in an  
6 amount the ~~board~~ town council considers necessary to provide for the installation of  
7 underground power lines, not to exceed ten cents (10¢) for each one hundred dollars  
8 (\$100.00) taxable valuation of property. The proceeds of this tax shall be used only to  
9 provide for the underground installation of power lines in the district."

10 **SECTION 3.** Section 5 of Chapter 991 of the 1983 Session Laws, Regular  
11 Session 1984, reads as rewritten:

12 "Sec. 5. Nature of District; Governing Body. If created, the Duck Area  
13 Beautification District shall be a body politic and corporate and shall have the power to  
14 provide for the installation of underground power lines and do all acts reasonably  
15 necessary to fulfill this purpose. ~~The Dare County Board of Commissioners~~ Town  
16 Council of the Town of Duck shall serve, ex officio, as the governing body of the  
17 district, and the officers of the ~~board of county commissioners~~ town council shall  
18 likewise serve as the officers of the governing body of the district. A simple majority of  
19 the governing body constitutes a quorum, and approval by a majority of those present is  
20 sufficient to determine any matter before the governing body, if a quorum is present."

21 **SECTION 4.** Section 3 of S.L. 1993-610, as amended by S.L. 1995-101,  
22 reads as rewritten:

23 "Sec. 3. Tax Levy. – If a majority of the qualified voters voting on the question in an  
24 election called under Section 1 of this act vote in favor of authorizing the levy and  
25 collection of ad valorem taxes in the district, the Dare County Board of Commissioners  
26 may levy on behalf of the district the ad valorem tax on all taxable property in the  
27 district in an amount the Board considers necessary to construct the sidewalks within  
28 the district not to exceed five cents (5¢) for each one hundred dollars (\$100.00) taxable  
29 valuation of property for two consecutive years beginning no later than the second fiscal  
30 year that begins after the election, and thereafter the ~~Board~~ Town Council of the Town  
31 of Duck may annually levy on behalf of the district an ad valorem tax in the amount  
32 necessary to maintain the sidewalks but not to exceed one cent (1¢) for each one  
33 hundred dollars (\$100.00) taxable valuation of property. The proceeds of these taxes  
34 shall be used only to construct and maintain the sidewalks within the district."

35 **SECTION 5.** Section 4 of S.L. 1993-610 reads as rewritten:

36 "Sec. 4. Governing Body. – All matters relative to the construction and maintenance  
37 of the sidewalks shall be decided by the ~~Dare County Board of Commissioners~~, Town  
38 Council of the Town of Duck, which is the governing body of the Duck Area  
39 Beautification District as provided in Chapter 991 of the 1983 Session Laws."

40 **SECTION 6.** Any Duck Area Beautification District tax levied by the Dare  
41 County Board of Commissioners pursuant to Chapter 991 of the 1983 Session Laws,  
42 Regular Session 1984, for the 2002 and prior tax years shall continue to be valid on and  
43 after the effective date of this act.

44 **SECTION 7.** G.S. 20-162(a) reads as rewritten:

1       "(a) No person shall park a vehicle or permit it to stand, whether attended or  
2 unattended, upon a highway in front of a private driveway or within 15 feet in either  
3 direction of a fire hydrant or the entrance to a fire station, nor within 25 feet from the  
4 intersection of curb lines or if none, then within 15 feet of the intersection of property  
5 lines at an intersection of highways; provided, that local authorities may by ordinance  
6 decrease the distance within which a vehicle may park in either direction of a fire  
7 ~~hydrant.~~ hydrant or from the intersection of curb lines. The local authority shall not  
8 decrease the distance from the intersection of curb lines to less than 15 feet."

9               **SECTION 8.** G.S. 153A-335 reads as rewritten:

10       **"§ 153A-335. "Subdivision" defined.**

11       For purposes of this Part, "subdivision" means all divisions of a tract or parcel of  
12 land into ~~two~~-three or more lots, building sites, or other divisions for the purpose of sale  
13 or building development (whether immediate or future) and includes all division of land  
14 involving the dedication of a new street or a change in existing streets; however, the  
15 following is not included within this definition and is not subject to any regulations  
16 enacted pursuant to this Part:

- 17               (1) The combination or recombination of portions of previously  
18 subdivided and recorded lots if the total number of lots is not increased  
19 and the resultant lots are equal to or exceed the standards of the county  
20 as shown in its subdivision regulations;
- 21               (2) The division of land into parcels greater than 10 acres if no street  
22 right-of-way dedication is involved;
- 23               (3) The public acquisition by purchase of strips of land for widening or  
24 opening streets; ~~and~~
- 25               (4) The division of a tract in single ownership the entire area of which is  
26 no greater than two acres into not more than three lots, if no street  
27 right-of-way dedication is involved and if the resultant lots are equal to  
28 or exceed the standards of the county as shown by its subdivision  
29 ~~regulations.~~ regulations; and
- 30               (5) The gift of a parent of a single lot to the parent's child or each of the  
31 parent's children where no new road is involved, provided:
- 32                       a. That each and every lot has dedicated right-of-way access to the  
33 State-maintained road serving the principal parcel or direct  
34 access to an approved private road as defined in the ordinance;  
35 and
- 36                       b. There are no more than three conveyances under this  
37 subdivision."

38               **SECTION 9.** Effective with respect to appointments for terms commencing  
39 on or after January 1, 2003, Section 6(a) of Chapter 449 of the 1985 Session Laws, as  
40 rewritten by Chapter 177 of the 1991 Session Laws, reads as rewritten:

41       "(a) Appointment and Membership. When the Dare County Board of  
42 Commissioners adopts a resolution levying a tax under Section 3 and Section 4 of this  
43 act, it shall also adopt a resolution creating a tourism board to be known as the Dare  
44 County Tourism Board, which shall be a public authority under the Local Government

1 Budget and Fiscal Control Act. The tourism board shall consist of 13 members  
2 appointed by the board of commissioners as provided below. Members of the tourism  
3 board must be residents of Dare County. Members shall serve two-year terms except as  
4 provided below. No member may serve more than two successive two-year terms.

5 (1) One member shall be a member of the board of directors of the Outer  
6 Banks Chamber of Commerce selected from nominees submitted by  
7 the board of directors of the Chamber of Commerce. This member  
8 shall serve an initial term of one year.

9 (2) One member shall be a member of the board of directors of the Dare  
10 County Restaurant Association selected from nominees submitted by  
11 the board of directors of the Dare County Restaurant Association. This  
12 member shall serve an initial term of two years.

13 (3) One member shall be a member of the board of directors of the Dare  
14 County Hotel/Motel Association selected from nominees submitted by  
15 the board of directors of the Dare County Hotel/Motel Association.  
16 This member shall serve an initial term of one year.

17 (4) One member shall be a member of the board of directors of the Dare  
18 County Board of Realtors selected from nominees submitted by the  
19 board of directors of the Dare County Board of Realtors. This member  
20 shall serve an initial term of two years.

21 (5) ~~Five-Six~~ members shall be one member from each of the town boards  
22 of Southern Shores, Kitty Hawk, Kill Devil Hills, Nags Head, and  
23 Manteo, who shall serve initial terms respectively of one year, two  
24 years, one year, two years, and one year, and one member from the  
25 town board of Duck, to serve an initial term of two years, and who  
26 shall be selected from nominees submitted by each of the respective  
27 town boards.

28 (6) One member shall be a Dare County Commissioner. This member  
29 shall serve an initial term of two years.

30 (7) ~~Three-Two~~ members 'at large' shall be from anywhere within Dare  
31 County. One of these members must be a resident of Hatteras Island.  
32 Two of these members shall serve initial terms of one year, and one  
33 shall serve an initial term of two years.

34 The board of commissioners may remove a member of the tourism board only for good  
35 cause. Members shall serve the full term for which appointed regardless whether the  
36 member is no longer a member of the appropriate board designated above. The Dare  
37 County Board of Commissioners shall determine the compensation to be paid to  
38 members of the tourism board."

39 **SECTION 10.** Section 7 of this act shall apply to the Town of Manteo only.

40 **SECTION 11.** Section 8 of this act shall apply to the County of Chowan  
41 only and applies to all subdivisions created on or after June 16, 1992.

42 **SECTION 12.** Sections 2 through 6 of this act become effective January 1,  
43 2003. The remainder of this act is effective when it becomes law.