

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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HOUSE BILL 215

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

Sponsors: Representatives Pittman, Kidwell, and Speciale (Primary Sponsors).
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Rules, Calendar, and Operations of the House

February 28, 2019

1 A BILL TO BE ENTITLED
2 AN ACT TO REMOVE THE INJUSTICE OF EXTRATERRITORIAL PLANNING
3 JURISDICTION BY DECLARING THAT NO CITY IN THE STATE MAY HAVE OR
4 EXERCISE PLANNING JURISDICTION OUTSIDE ITS CORPORATE LIMITS.

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

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

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

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

19
20 **PART I. EXTRATERRITORIAL PLANNING JURISDICTION PROHIBITED**

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

22 **"§ 160A-360. ~~Territorial jurisdiction.~~ Limits on planning powers.**

23 (a) All of the powers granted by this Article may be exercised by any city within its
24 corporate limits. ~~In addition, any city may exercise these powers within a defined area extending~~
25 ~~not more than one mile beyond its limits. With the approval of the board or boards of county~~
26 ~~commissioners with jurisdiction over the area, a city of 10,000 or more population but less than~~
27 ~~25,000 may exercise these powers over an area extending not more than two miles beyond its~~
28 ~~limits and a city of 25,000 or more population may exercise these powers over an area extending~~
29 ~~not more than three miles beyond its limits. The boundaries of the city's extraterritorial~~
30 ~~jurisdiction shall be the same for all powers conferred in this Article. No city may exercise~~
31 ~~extraterritorially any power conferred by this Article that it is not exercising within its corporate~~
32 ~~limits. In determining the population of a city for the purposes of this Article, the city council~~
33 ~~and the board of county commissioners may use the most recent annual estimate of population~~
34 ~~as certified by the Secretary of the North Carolina Department of Administration.~~



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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 residents
8 of the area to apply to the board of county commissioners to serve as a representative on the
9 planning board and the board of adjustment, as provided in G.S. 160A-362. The notice shall be
10 mailed at least four weeks prior to the public hearing. The person or persons mailing the notices
11 shall certify to the city council that the notices were sent by first class mail, and the certificate
12 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 based
15 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 techniques.
22 This delineation shall be maintained in the manner provided in G.S. 160A-22 for the delineation
23 of the corporate limits, and shall be recorded in the office of the register of deeds of each county
24 in which any portion of the area lies.

25 (c) Where the extraterritorial jurisdiction of two or more cities overlaps, the jurisdictional
26 boundary between them shall be a line connecting the midway points of the overlapping area
27 unless the city councils agree to another boundary line within the overlapping area based upon
28 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 by
31 this Article in any area beyond the city's corporate limits. The county may also, on request of the
32 city council, exercise any or all these powers in any or all areas lying within the city's corporate
33 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 and
38 the county have agreed upon the area within which each will exercise the powers conferred by
39 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 (i)
49 the county has adopted this regulation or (ii) a period of 60 days has elapsed following the action
50 by which the city relinquished jurisdiction, whichever is sooner. During this period the county

1 may hold hearings and take other measures that may be required in order to adopt its regulations
2 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 be
5 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 the
10 boundaries of a city's extraterritorial jurisdiction by metes and bounds or courses and distances.~~

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

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

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

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

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

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

41 **"§ 160A-361. Planning boards.**

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

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

46"

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

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

1 **SECTION 5.** The relinquishment of jurisdiction over an area that a city is regulating
2 under the authority of extraterritorial planning jurisdiction under Article 19 of Chapter 160A of
3 the General Statutes shall become effective January 1, 2020. However, nothing in this act shall
4 be construed as prohibiting a city from relinquishing jurisdiction over an area prior to January 1,
5 2020, so long as the city complies with the provisions of Article 19 of Chapter 160A of the
6 General Statutes.

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

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

23 24 **PART II. CONFORMING CHANGES**

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

26 **"§ 113A-208. Regulation of mountain ridge construction by counties and cities.**

27 ...

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

35"

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

37 **"§ 122C-3. Definitions.**

38 The following definitions apply in this Chapter:

39 ...

40 (13e) "Extraterritorial jurisdiction" means the boundaries of the area over which the
41 Town of Butner was exercising extraterritorial planning jurisdiction under
42 Article 19 of Chapter 160A of the General Statutes prior to the Town's
43 relinquishment of jurisdiction over the area on or before January 1, 2020.

44"

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

46 **"§ 122C-403. Secretary's authority over Camp Butner reservation.**

47 The Secretary shall administer the Camp Butner reservation except (i) those areas within the
48 municipal boundaries of the Town of Butner and (ii) that portion of the Town of Butner's
49 extraterritorial ~~jurisdiction~~ jurisdiction, as defined in G.S. 122C-3(13e), consisting of lands not
50 owned by the State of North Carolina. In performing this duty, the Secretary has the powers listed
51 below. In exercising these powers the Secretary has the same authority and is subject to the same

1 restrictions that the governing body of a city would have and would be subject to if the reservation
2 was a city, unless this section provides to the contrary. The Secretary may:

3"

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

5 **"§ 122C-405. Procedure applicable to rules.**

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

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

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

21 **"§ 122C-410. Authority of county or city over Camp Butner Reservation; zoning
22 jurisdiction by Town of Butner over State lands.**

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

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

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

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

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

10 **"§ 130A-317. Department to provide advice; submission and approval of public water**
11 **system plans.**

12 ...

13 (d) Municipalities, counties, local boards or commissions, water and sewer authorities,
14 or groups of municipalities and counties may establish and administer within their utility service
15 areas their own approval program in lieu of State approval of water system plans required in
16 subsection (c) of this section for construction or alteration of the distribution system of a proposed
17 or existing public water system, subject to the prior certification of the Department. For purposes
18 of this subsection, the service area of a municipality shall include only that area within the
19 corporate limits of the municipality and that area outside a municipality in its extraterritorial
20 jurisdiction where water service is already being provided to the permit applicant by the
21 municipality or connection to the municipal water system is immediately available to the
22 applicant; the service areas of counties and the other entities or groups shall include only those
23 areas where water service is already being provided to the applicant by the permitting authority
24 or connection to the permitting authority's system is immediately available. For purposes of this
25 subsection, the term "extraterritorial jurisdiction" means the boundaries of the area over which a
26 municipality was exercising extraterritorial planning jurisdiction under Article 19 of Chapter
27 160A of the General Statutes prior to the municipality's relinquishment of jurisdiction over the
28 area on or before January 1, 2020. No later than the 180th day after the receipt of an approval
29 program and statement submitted by any local government, commission, authority, or board, the
30 Department shall certify any local program that meets all of the following conditions:

31"

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

33 **"§ 136-44.50. Transportation corridor official map act.**

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

36 ...

37 ~~Before a city adopts a transportation corridor official map that extends beyond the~~
38 ~~extraterritorial jurisdiction of its building permit issuance and subdivision control ordinances, or~~
39 ~~adopts an amendment to a transportation corridor official map outside the extraterritorial~~
40 ~~jurisdiction of its building permit issuance and subdivision control ordinances, the city shall~~
41 ~~obtain approval from the Board of County Commissioners.~~

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

43 (1) The governing board of the city, the county, the regional transportation
44 authority, the North Carolina Turnpike Authority, the Department of
45 Transportation, or any other entity listed in subsection (a) of this section has
46 held a public hearing in each county affected by the map on the proposed map
47 or amendment. Notice of the hearing shall be provided:

48 ...

49 b. By two week written notice to the Secretary of Transportation, the
50 Chairman of the Board of County Commissioners, and the Mayor of

1 any city or town through whose corporate or ~~extraterritorial~~
2 jurisdiction the transportation corridor passes.

3"

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

5 **"§ 136-55.1. Notice of abandonment.**

6 ...

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

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

12 **"§ 136-63. Change or abandonment of roads.**

13 ...

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

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

19 **"§ 136-66.3. Local government participation in improvements to the State transportation**
20 **system.**

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

25"

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

27 **"§ 143-138. North Carolina State Building Code.**

28 ...

29 (e) Effect upon Local Codes. – Except as otherwise provided in this section, the North
30 Carolina State Building Code shall apply throughout the State, from the time of its adoption.
31 Approved rules shall become effective in accordance with G.S. 150B-21.3. However, any
32 political subdivision of the State may adopt a fire prevention code and floodplain management
33 regulations within its jurisdiction. The territorial jurisdiction of any municipality or county for
34 this purpose, unless otherwise specified by the General Assembly, shall be as follows: ~~Municipal~~
35 ~~jurisdiction shall include all areas within the corporate limits of the~~ municipality and
36 ~~extraterritorial jurisdiction areas established as provided in G.S. 160A-360 or a local act;~~
37 municipality; county jurisdiction shall include all other areas of the county. No such code or
38 regulations, other than floodplain management regulations and those permitted by
39 G.S. 160A-436, shall be effective until they have been officially approved by the Building Code
40 Council as providing adequate minimum standards to preserve and protect health and safety, in
41 accordance with the provisions of subsection (c) above. Local floodplain regulations may
42 regulate all types and uses of buildings or structures located in flood hazard areas identified by
43 local, State, and federal agencies, and include provisions governing substantial improvements,
44 substantial damage, cumulative substantial improvements, lowest floor elevation, protection of
45 mechanical and electrical systems, foundation construction, anchorage, acceptable flood resistant
46 materials, and other measures the political subdivision deems necessary considering the
47 characteristics of its flood hazards and vulnerability. In the absence of approval by the Building
48 Code Council, or in the event that approval is withdrawn, local fire prevention codes and
49 regulations shall have no force and effect. Provided any local regulations approved by the local
50 governing body which are found by the Council to be more stringent than the adopted statewide
51 fire prevention code and which are found to regulate only activities and conditions in buildings,

1 structures, and premises that pose dangers of fire, explosion or related hazards, and are not
2 matters in conflict with the State Building Code, shall be approved. Local governments may
3 enforce the fire prevention code of the State Building Code using civil remedies authorized under
4 G.S. 143-139, 153A-123, and 160A-175. If the Commissioner of Insurance or other State official
5 with responsibility for enforcement of the Code institutes a civil action pursuant to G.S. 143-139,
6 a local government may not institute a civil action under G.S. 143-139, 153A-123, or 160A-175
7 based upon the same violation. Appeals from the assessment or imposition of such civil remedies
8 shall be as provided in G.S. 160A-434.

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

12"

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

14 "**§ 143-215.1. Control of sources of water pollution; permits required.**

15 ...

16 (f) Local Permit Programs for Sewer Extension and Reclaimed Water Utilization. –
17 Municipalities, counties, local boards or commissions, water and sewer authorities, or groups of
18 municipalities and counties may establish and administer within their utility service areas their
19 own general permit programs in lieu of State permit required in G.S. 143-215.1(a)(2), (3), and
20 (8) above, for construction, operation, alteration, extension, change of proposed or existing sewer
21 system, subject to the prior certification of the Commission. For purposes of this subsection, the
22 service area of a municipality shall include only that area within the corporate limits of the
23 municipality and that area outside a municipality in its extraterritorial jurisdiction where sewer
24 service or a reclaimed water utilization system is already being provided by the municipality to
25 the permit applicant or connection to the municipal sewer system or a reclaimed water utilization
26 system is immediately available to the applicant; the service areas of counties and the other
27 entities or groups shall include only those areas where sewer service or a reclaimed water
28 utilization system is already being provided to the applicant by the permitting authority or
29 connection to the permitting authority's system is immediately available. For purposes of this
30 subsection, the term "extraterritorial jurisdiction" means the boundaries of the area over which a
31 municipality was exercising extraterritorial planning jurisdiction under Article 19 of Chapter
32 160A of the General Statutes prior to the municipality's relinquishment of jurisdiction over the
33 area on or before January 1, 2020. No later than the 180th day after the receipt of a program and
34 statement submitted by any local government, commission, authority, or board the Commission
35 shall certify any local program that does all of the following:

36"

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

38 "**§ 143-215.57. Procedures in issuing permits.**

39 ...

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

1"

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

3 **"§ 153A-317.14. Extension of economic development and training districts.**

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

6 ...

7 (6) ~~If any of the area proposed to be annexed to the district is wholly or partially~~
8 ~~within the extraterritorial jurisdiction of a municipality, then it shall be~~
9 ~~necessary to first obtain the affirmative vote of a majority of the members of~~
10 ~~the governing body of the municipality before the area can be annexed.~~

11"

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

13 **"§ 160A-58.4. Extraterritorial powers.**

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

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

21 **"§ 160A-176.1. Ordinances effective in Atlantic Ocean.**

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

27"

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

29 **"§ 160A-176.2. Ordinances effective in Atlantic Ocean.**

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

35"

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

37 **"§ 160A-199. Regulation of outdoor advertising.**

38 ...

39 (m) This section does not apply to any ordinance in effect on the effective date of this
40 section. A city may amend an ordinance in effect on the effective date of this section to extend
41 application of the ordinance to off-premises outdoor advertising located in territory acquired by
42 ~~annexation or located in the extraterritorial jurisdiction of the city.~~ annexation. A city may repeal
43 or amend an ordinance in effect on the effective date of this section so long as the amendment to
44 the existing ordinance does not reduce the period of amortization in effect on the effective date
45 of this section.

46"

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

48 **"§ 160A-296. Establishment and control of streets; center and edge lines.**

49 ...

50 (a1) ~~A city with a population of 250,000 or over according to the most recent decennial~~
51 ~~federal census may also exercise the power granted by subdivision (a)(3) of this section within~~

1 its extraterritorial planning jurisdiction. Before a city makes improvements under this subsection,
 2 it shall enter into a memorandum of understanding with the Department of Transportation to
 3 provide for maintenance.

4"

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

6 "**§ 160A-299. Procedure for permanently closing streets and alleys.**

7 ...

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

14"

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

16 "**§ 160A-340.2. Exemptions.**

17 ...

18 (c) The provisions of G.S. 160A-340.1, 160A-340.3, 160A-340.4, 160A-340.5, and
 19 160A-340.6 do not apply to a city or joint agency providing communications service as of
 20 January 1, 2011, provided the city or joint agency limits the provision of communications service
 21 to any one or more of the following:

22 ...

23 (3) The following service areas:

- 24 a. For the joint agency operated by the cities of Davidson and
 25 Mooresville, the service area is the combined areas of the city of
 26 Cornelius; the town of Troutman; the town of Huntersville; the
 27 unincorporated areas of Mecklenburg County north of a line beginning
 28 at Highway 16 along the west boundary of the county, extending
 29 eastward along Highway 16, continuing east along Interstate 485, and
 30 continuing eastward to the eastern boundary of the county along
 31 Eastfield Road; and the unincorporated areas of Iredell County south
 32 of Interstate 40, excluding the City of Statesville and the
 33 extraterritorial jurisdiction of the City of Statesville. For purposes of
 34 this sub-subdivision, the term "extraterritorial jurisdiction" means the
 35 boundaries of the area over which the City of Statesville was
 36 exercising extraterritorial planning jurisdiction under Article 19 of
 37 Chapter 160A of the General Statutes prior to the City's relinquishment
 38 of jurisdiction over the area on or before January 1, 2020.

39"

40 **SECTION 28.** G.S. 160A-366 reads as rewritten:

41 "**§ 160A-366. Validation of ordinance.**

42 Any city ordinance regularly adopted before January 1, 1972, under authority of general laws
 43 revised and reenacted in Chapter 160A, Article 19, or under authority of any city charter or local
 44 act concerning the same subject matter, is validated with respect to its application within the
 45 corporate limits of the city ~~and as to its application within the extraterritorial jurisdiction of the~~
 46 city. Such an ordinance, and any city ordinance adopted since January 1, 1972, under authority
 47 of general laws revised and reenacted in Chapter 160A, Article 19, are hereby validated,
 48 notwithstanding the fact that such ordinances were not recorded pursuant to G.S. 160A-360(b)
 49 or ~~160A-364 and notwithstanding the fact that the adopting city council did not also adopt an~~
 50 ~~ordinance defining or delineating by specific description the areas within its extraterritorial~~
 51 ~~jurisdiction pursuant to G.S. 160A-360; G.S. 160A-364;~~ provided that this ~~aet~~ section shall be

1 deemed to validate ordinances of cities in Mecklenburg County only with respect to their
2 application within the corporate limits of such cities."

3 **SECTION 29.** G.S. 160A-383.4 reads as rewritten:

4 "**§ 160A-383.4. Local energy efficiency incentives.**

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

14"

15 **SECTION 30.** G.S. 160A-459 reads as rewritten:

16 "**§ 160A-459. Stormwater control.**

17 ...

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

23 24 **PART III. LAW ENFORCEMENT**

25 **SECTION 31.** This act shall have no effect on the extraterritorial jurisdiction of law
26 enforcement officers as authorized in Chapter 77 of the General Statutes, G.S. 15A-402, 20-38.2,
27 160A-286, or any local act or provision of general law.

28 29 **PART IV. EFFECTIVE DATE**

30 **SECTION 32.** The headings to the parts of this act are a convenience to the reader
31 and are for reference only. The headings do not expand, limit, or define the text of this act.

32 **SECTION 33.** This act becomes effective January 1, 2020.