

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

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SENATE BILL 8  
Corrected Copy 1/30/17  
Judiciary Committee Substitute Adopted 2/16/17  
PROPOSED HOUSE COMMITTEE SUBSTITUTE S8-PCS15246-SV-47

Short Title: Various Local Changes/Nonpublic School Bkg Ck. (Public)

Sponsors:

Referred to:

January 26, 2017

A BILL TO BE ENTITLED

AN ACT TO PROVIDE AN EXEMPTION TO BUILDING CODE PROVISIONS ALLOWING CONSTRUCTION OF A PARKING GARAGE TO EXTEND ACROSS A LOT LINE BETWEEN A CITY-OWNED LOT AND A PRIVATELY OWNED LOT WITHOUT MEETING CERTAIN REQUIREMENTS; TO RESTRICT THE STORMWATER RUNOFF REQUIREMENTS THAT A LOCAL GOVERNMENT CAN APPLY TO PUBLIC AIRPORTS; TO REQUIRE NONPUBLIC SCHOOLS THAT ACCEPT STUDENTS RECEIVING SCHOLARSHIP GRANTS TO SUBMIT BACKGROUND CHECKS ON EMPLOYEES TO THE STATE EDUCATION ASSISTANCE AUTHORITY; AND TO REVISE THE COMPOSITION OF THE LINCOLNTON-LINCOLN AIRPORT AUTHORITY, TO NAME THE AIRPORT, AND TO NAME THE AIRFIELD WITHIN THE AIRPORT.

The General Assembly of North Carolina enacts:

**PART I. BUILDING CODE EXEMPTION**

**SECTION 1.(a)** Notwithstanding any provision of the North Carolina State Building Code to the contrary, if a lot line or public way exists between a single city-owned lot and a single privately owned lot, a parking garage that extends across the lot line or public way between the two lots may be constructed as if the city-owned lot has been combined with the privately owned lot such that there is no lot line or public way between them.

**SECTION 1.(b)** This section shall apply only to municipalities with a population of more than 250,000.

**SECTION 1.(c)** This section expires June 30, 2020.

**PART II. STORMWATER RUNOFF/AIRPORTS**

**SECTION 2.** G.S. 143-214.7 reads as rewritten:

"§ 143-214.7. Stormwater runoff rules and programs.

...

(c3) In accordance with the Federal Aviation Administration August 28, 2007, Advisory Circular No. 150/5200-33B (Hazardous Wildlife Attractants on or Near Airports), neither the Department ~~shall not nor any local government shall~~ require the use of stormwater retention ponds, stormwater detention ponds, or any other stormwater control measure that promotes standing water in order to comply with this ~~section-section, or in order to comply with any local ordinance adopted under G.S. 143-214.5,~~ at public airports that support commercial air carriers



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1 or general aviation services. Development projects located within five statute miles from the  
 2 farthest edge of an airport air operations area, as that term is defined in 14 C.F.R. § 153.3 (July  
 3 2011 Edition), shall not be required to use stormwater retention ponds, stormwater detention  
 4 ponds, or any other stormwater control measure that promotes standing water in order to  
 5 comply with this ~~section~~section or with any local ordinance. Existing stormwater retention  
 6 ponds, stormwater detention ponds, or any other stormwater control measure that promotes  
 7 standing water in order to comply with this ~~section~~section, or with any local ordinance, and  
 8 that is located at a public airports-airport or that are-is within five statute miles from the farthest  
 9 edge of an airport operations area may be replaced with alternative measures included in the  
 10 Division of Water Resources' Best Management Practice Manual chapter on airports. In order  
 11 to be approved by the Department, alternative measures or management designs that are not  
 12 expressly included in the Division of Water Resources' Best Management Practice Manual shall  
 13 provide for equal or better stormwater control based on the pre- and post-development  
 14 hydrograph. Any replacement of existing stormwater retention ponds, stormwater detention  
 15 ponds, or any other stormwater control measure that promotes standing water shall be  
 16 considered a minor modification to the State general stormwater permit-permit, and a variance  
 17 to allow any replacement shall be considered a minor variance under any local government  
 18 ordinance adopted under G.S. 143-214.5.

19 (c4) The Department and local governments shall deem runways, taxiways, and any  
 20 other areas that provide for overland stormwater flow that promote infiltration and treatment of  
 21 stormwater into grassed buffers, shoulders, and grass swales permitted pursuant to the State  
 22 post-construction stormwater ~~requirements~~requirements and to be in compliance with any local  
 23 government water supply watershed management protection ordinance adopted under  
 24 G.S. 143-214.5.

25 ...."  
 26

### 27 PART III. NONPUBLIC SCHOOL TO PROVIDE SEAA WITH BACKGROUND 28 CHECKS

29 SECTION 3.(a) G.S. 115C-562.5(a)(2) reads as rewritten:

30 "(2) Provide to the Authority a criminal background check conducted for ~~the staff~~  
 31 ~~member with the highest decision making authority, as defined by the~~  
 32 ~~bylaws, articles of incorporation, or other governing document, each~~  
 33 full-time, part-time, or contract employee whose duties require the employee  
 34 to be on school property to ensure that person has not been convicted of any  
 35 crime listed in G.S. 115C-332."

36 SECTION 3.(b) This section becomes effective September 1, 2017, and applies to  
 37 existing employees and future employees. For existing employees, the nonpublic school shall  
 38 submit the background check to the State Education Assistance Authority on or before  
 39 December 1, 2017.  
 40

### 41 PART IV. LINCOLNTON-LINCOLN AIRPORT CHANGES

42 SECTION 4.(a) Section 2 of Chapter 10 of the Session Laws of the 1996 Second  
 43 Extra Session reads as rewritten:

44 "Sec. 2. The Airport Authority shall consist of ~~seven-five~~ members, three-four of whom  
 45 shall be appointed to staggered three-year terms by the ~~Lincolnton City Council~~ Lincoln  
 46 County Board of Commissioners and three-one of whom shall be appointed to a staggered  
 47 three-year ~~terms-term~~ term by the ~~Lincoln County Board of Commissioners and one of whom shall~~  
 48 ~~be appointed by the other six members of the Airport Authority.~~ Lincolnton City Council. The  
 49 ~~members-member~~ member appointed by the Lincolnton City Council shall be a qualified voters-voter of  
 50 the City of ~~Lincolnton, and the members~~ Lincolnton. At least one member appointed by the  
 51 Lincoln County Board of Commissioners ~~and the Airport Authority~~ shall be a qualified voter of

1 the City of Lincolnton. All four members appointed by the Lincoln County Board of  
2 Commissioners shall be qualified voters of the County of Lincoln. Each member shall take and  
3 subscribe before the Clerk of Superior Court of Lincoln County an oath of office and file the  
4 same with the Lincoln County Board of Commissioners and the Lincolnton City Council. No  
5 member of the Authority Board shall serve more than two consecutive term limits. The  
6 Chairman of the Board shall be annually designated by Lincoln County."

7         **SECTION 4.(b)** The airport operated by the Lincolnton-Lincoln County Airport  
8 Authority shall be hereafter known as the "Lincolnton-Lincoln County Airport."

9         **SECTION 4.(c)** The airfield of the Lincolnton-Lincoln County Airport shall be  
10 hereafter known as the "David E. Lowe Airfield."

11  
12 **PART V. EFFECTIVE DATE**

13         **SECTION 5.** Except as otherwise provided, this act is effective when it becomes  
14 law.