

GENERAL ASSEMBLY OF NORTH CAROLINA
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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH10112-LM-26A

Short Title: Justice for Rural Citizens. (Public)

Sponsors: Representative Pittman.

Referred to:

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, any city may exercise planning jurisdiction under Chapter 160D of the
6 General Statutes within a defined area extending not more than one mile beyond its corporate
7 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. 160D-201 reads as rewritten:

22 "**§ 160D-201. Planning and development regulation jurisdiction.**

23 (a) Cities. – All of the powers granted by this Chapter may be exercised by any city within
24 its corporate limits and within any extraterritorial area established pursuant to
25 G.S. 160D-202.limits.

26"

27 **SECTION 2.** G.S. 160D-202 reads as rewritten:

28 "**§ 160D-202. ~~Municipal extraterritorial~~ Transfer or relinquishment of jurisdiction.**

29 (a) ~~Geographic Scope.~~—Any city may exercise the powers granted to cities under this
30 Chapter within a defined area extending not more than one mile beyond its contiguous corporate
31 limits. In addition, a city of 10,000 or more population but less than 25,000 may exercise these
32 powers over an area extending not more than two miles beyond its limits and a city of 25,000 or
33 more population may exercise these powers over an area extending not more than three miles
34 beyond its limits. In determining the population of a city for the purposes of this Chapter, the city
35 council and the board of county commissioners may use the most recent annual estimate of
36 population as certified by the Secretary of the North Carolina Department of Administration.



1 Pursuant to G.S. 160A-58.4, extraterritorial municipal planning and development regulation may
2 be extended only from the primary corporate boundary of a city and not from the boundary of
3 satellite areas of the city.

4 (b) Authority in the Extraterritorial Area. — A city may not exercise any power conferred
5 by this Chapter in its extraterritorial jurisdiction that it is not exercising within its corporate limits.
6 A city may exercise in its extraterritorial area all powers conferred by this Chapter that it is
7 exercising within its corporate limits. If a city fails to extend a particular type of development
8 regulation to the extraterritorial area, the county may elect to exercise that particular type of
9 regulation in the extraterritorial area.

10 (c) County Approval of City Jurisdiction. — Notwithstanding subsection (a) of this
11 section, no city may extend its extraterritorial powers into any area for which the county has
12 adopted and is enforcing county zoning and subdivision regulations. However, the city may do
13 so where the county is not exercising both of these powers, or when the city and the county have
14 agreed upon the area within which each will exercise the powers conferred by this Chapter. No
15 city may extend its extraterritorial powers beyond one mile from its corporate limits without the
16 approval of the board or boards of county commissioners with jurisdiction over the area.

17 (d) Notice of Proposed Jurisdiction Change. — Any municipality proposing to exercise
18 extraterritorial jurisdiction under this Chapter shall notify the owners of all parcels of land
19 proposed for addition to the area of extraterritorial jurisdiction, as shown on the county tax
20 records. The notice shall be sent by first class mail to the last addresses listed for affected
21 property owners in the county tax records. The notice shall inform the landowner of the effect of
22 the extension of extraterritorial jurisdiction, of the landowner's right to participate in a legislative
23 hearing prior to adoption of any ordinance extending the area of extraterritorial jurisdiction, as
24 provided in G.S. 160D-601, and of the right of all residents of the area to apply to the board of
25 county commissioners to serve as a representative on the planning board and the board of
26 adjustment, as provided in G.S. 160D-303. The notice shall be mailed at least 30 days prior to
27 the date of the hearing. The person or persons mailing the notices shall certify to the city council
28 that the notices were sent by first class mail, and the certificate shall be deemed conclusive in the
29 absence of fraud.

30 (e) Boundaries. — Any council exercising extraterritorial jurisdiction under this Chapter
31 shall adopt an ordinance specifying the areas to be included based upon existing or projected
32 urban development and areas of critical concern to the city, as evidenced by officially adopted
33 plans for its development. A single jurisdictional boundary shall be applicable for all powers
34 conferred in this Chapter. Boundaries shall be defined, to the extent feasible, in terms of
35 geographical features identifiable on the ground. Boundaries may follow parcel ownership
36 boundaries. A council may, in its discretion, exclude from its extraterritorial jurisdiction areas
37 lying in another county, areas separated from the city by barriers to urban growth, or areas whose
38 projected development will have minimal impact on the city. The boundaries specified in the
39 ordinance shall at all times be drawn on a map, set forth in a written description, or shown by a
40 combination of these techniques. This delineation shall be maintained in the manner provided in
41 G.S. 160A-22 for the delineation of the corporate limits and shall be recorded in the office of the
42 register of deeds of each county in which any portion of the area lies.

43 Where the extraterritorial jurisdiction of two or more cities overlaps, the jurisdictional
44 boundary between them shall be a line connecting the midway points of the overlapping area
45 unless the city councils agree to another boundary line within the overlapping area based upon
46 existing or projected patterns of development.

47 (f)(a) County Authority Within City Jurisdiction. — The county may, on request of the city
48 council, exercise any or all of these the powers granted in this Chapter in any or all areas lying
49 within the city's corporate limits or within the city's specified area of extraterritorial
50 jurisdiction limits.

1 ~~(g)~~(b) Transfer of Jurisdiction. – When a city ~~annexes, annexes~~ or a new city is incorporated
2 ~~in, or a city extends its jurisdiction to include, in~~ an area that is currently being regulated by the
3 county, the county development regulations and powers of enforcement shall remain in effect
4 until (i) the city has adopted such development regulations or (ii) a period of 60 days has elapsed
5 following the ~~annexation, extension, annexation~~ or incorporation, whichever is sooner. Prior to
6 the transfer of jurisdiction, the city may hold hearings and take any other measures consistent
7 with G.S. 160D-204 that may be required in order to adopt and apply its development regulations
8 for the area at the same time it assumes jurisdiction.

9 ~~(h)~~(c) Relinquishment of Jurisdiction. – When a city relinquishes jurisdiction over an area
10 that it is regulating under this Chapter to a county, the city development regulations and powers
11 of enforcement shall remain in effect until (i) the county has adopted such development
12 regulation or (ii) a period of 60 days has elapsed following the action by which the city
13 relinquished jurisdiction, whichever is sooner. Prior to the transfer of jurisdiction, the county
14 may hold hearings and take other measures consistent with G.S. 160D-204 that may be required
15 in order to adopt and apply its development regulations for the area at the same time it assumes
16 jurisdiction.

17 ~~(i)~~(d) Process for Local Government Approval. – When a local government is granted
18 powers by this section subject to the request, approval, or agreement of another local government,
19 the request, approval, or agreement shall be evidenced by a formally adopted resolution of the
20 governing board of the local government. Any such request, approval, or agreement can be
21 rescinded upon two years' written notice to the other governing boards concerned by repealing
22 the resolution. The resolution may be modified at any time by mutual agreement of the governing
23 boards concerned.

24 ~~(j)~~ Local Acts. — ~~Nothing in this section shall repeal, modify, or amend any local act that~~
25 ~~defines the boundaries of a city's extraterritorial jurisdiction by metes and bounds or courses and~~
26 ~~distances.~~

27 ~~(k)~~(e) Effect on Vested Rights. – Whenever a city or county, pursuant to this section,
28 acquires jurisdiction over a territory that theretofore has been subject to the jurisdiction of another
29 local government, any person who has acquired vested rights in the surrendering jurisdiction may
30 exercise those rights as if no change of jurisdiction had occurred. The city or county acquiring
31 jurisdiction may take any action regarding such a development approval, certificate, or other
32 evidence of compliance that could have been taken by the local government surrendering
33 jurisdiction pursuant to its development regulations. Except as provided in this subsection, any
34 building, structure, or other land use in a territory over which a city or county has acquired
35 jurisdiction is subject to the development regulations of the city or county."

36 **SECTION 3.** G.S. 160D-307 is repealed.

37 **SECTION 4.** G.S. 160D-602 reads as rewritten:

38 **"§ 160D-602. Notice of hearing on proposed zoning map amendments.**

39 (a) Mailed Notice. – Subject to the limitations of this Chapter, an ordinance shall provide
40 for the manner in which zoning regulations and the boundaries of zoning districts are to be
41 determined, established, and enforced, and from time to time amended, supplemented, or
42 changed, in accordance with the provisions of this Chapter. The owners of affected parcels of
43 land and the owners of all parcels of land abutting that parcel of land shall be mailed a notice of
44 the hearing on a proposed zoning map amendment by first-class mail at the last addresses listed
45 for such owners on the county tax abstracts. For the purpose of this section, properties are
46 "abutting" even if separated by a street, railroad, or other transportation corridor. This notice must
47 be deposited in the mail at least 10 but not more than 25 days prior to the date of the hearing. ~~If~~
48 ~~the zoning map amendment is being proposed in conjunction with an expansion of municipal~~
49 ~~extraterritorial planning and development regulation jurisdiction under G.S. 160D-202, a single~~
50 ~~hearing on the zoning map amendment and the boundary amendment may be held. In this~~
51 ~~instance, the initial notice of the zoning map amendment hearing may be combined with the~~

1 ~~boundary hearing notice and the combined hearing notice mailed at least 30 days prior to the~~
2 ~~hearing.~~

3"

4 **SECTION 5.** G.S. 160D-903 reads as rewritten:

5 **"§ 160D-903. Agricultural uses.**

6 ...

7 (e) ~~Agricultural Areas in Municipal Extraterritorial Jurisdiction.—Property that is located~~
8 ~~in a city's extraterritorial planning and development regulation jurisdiction and that is used for~~
9 ~~bona fide farm purposes is exempt from the city's zoning regulation to the same extent bona fide~~
10 ~~farming activities are exempt from county zoning pursuant to this section. As used in this~~
11 ~~subsection, "property" means a single tract of property or an identifiable portion of a single tract.~~
12 ~~Property that ceases to be used for bona fide farm purposes becomes subject to exercise of the~~
13 ~~city's extraterritorial planning and development regulation jurisdiction under this Chapter. For~~
14 ~~purposes of complying with State or federal law, property that is exempt from municipal zoning~~
15 ~~pursuant to this subsection is subject to the county's floodplain regulation or all floodplain~~
16 ~~regulation provisions of the county's unified development ordinance.~~

17"

18 **SECTION 6.** G.S. 160D-912 reads as rewritten:

19 **"§ 160D-912. Outdoor advertising.**

20 ...

21 (m) This section does not apply to any ordinance in effect on July 1, 2004. A local
22 government may amend an ordinance in effect on July 1, 2004, to extend application of the
23 ordinance to off-premises outdoor advertising located in territory acquired by ~~annexation or~~
24 ~~located in the extraterritorial jurisdiction of the city.~~ annexation. A local government may repeal
25 or amend an ordinance in effect on July 1, 2004, so long as the amendment to the existing
26 ordinance does not reduce the period of amortization in effect on June 19, 2020.

27"

28 **SECTION 7.** G.S. 160D-925 reads as rewritten:

29 **"§ 160D-925. Stormwater control.**

30 ...

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

36 **SECTION 8.** G.S. 160D-1125 reads as rewritten:

37 **"§ 160D-1125. Enforcement.**

38 ...

39 (c) **Additional Lien.** – The amounts incurred by a local government in connection with
40 the removal or demolition are also a lien against any other real property owned by the owner of
41 the building or structure and located within the local government's planning and development
42 regulation jurisdiction, ~~and for cities without extraterritorial planning and development~~
43 ~~jurisdiction, within one mile of the city limits,~~ jurisdiction, except for the owner's primary
44 residence. The provisions of subsection (b) of this section apply to this additional lien, except
45 that this additional lien is inferior to all prior liens and shall be collected as a money judgment.

46"

47 **SECTION 9.** Any provision in a local act that grants a city the power to exercise
48 extraterritorial planning jurisdiction under Article 19 of Chapter 160A of the General Statutes,
49 or its successor Chapter 160D of the General Statutes, is hereby repealed.

50 **SECTION 10.** The relinquishment of jurisdiction over an area that a city is regulating
51 under the authority of extraterritorial planning jurisdiction under Article 19 of Chapter 160A of

1 the General Statutes, or its successor Chapter 160D of the General Statutes, shall become
 2 effective January 1, 2022. However, nothing in this act shall be construed as prohibiting a city
 3 from relinquishing jurisdiction over an area prior to January 1, 2022, so long as the city complies
 4 with the provisions of Article 19 of Chapter 160A of the General Statutes, or its successor
 5 Chapter 160D of the General Statutes.

6 **SECTION 11.** Upon relinquishment of jurisdiction over an area that a city is
 7 regulating under the authority of extraterritorial planning jurisdiction under Article 19 of Chapter
 8 160A of the General Statutes, or its successor Chapter 160D of the General Statutes:

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

23 PART II. CONFORMING CHANGES

24 **SECTION 12.** G.S. 113A-208 reads as rewritten:

25 "**§ 113A-208. Regulation of mountain ridge construction by counties and cities.**

26 ...
 27 (d) An ordinance adopted under the authority of this section applies to all protected
 28 mountain ridges as defined in G.S. 113A-206. A county or city may apply the ordinance to other
 29 mountain ridges within its jurisdiction if it finds that this application is reasonably necessary to
 30 protect against some or all of the hazards or problems set forth in G.S. 113A-207. ~~Additionally,~~
 31 ~~a city with a population of 50,000 or more may apply the ordinance to other mountain ridges~~
 32 ~~within its extraterritorial planning jurisdiction if it finds that this application is reasonably~~
 33 ~~necessary to protect against some or all of the hazards or problems set forth in G.S. 113A-207.~~

34"

35 **SECTION 13.** G.S. 122C-3 reads as rewritten:

36 "**§ 122C-3. Definitions.**

37 The following definitions apply in this Chapter:

38 ...

39 (13e) Extraterritorial jurisdiction. – The boundaries of the area over which the Town
 40 of Butner was exercising extraterritorial planning jurisdiction under Article
 41 19 of Chapter 160A of the General Statutes, or its successor Chapter 160D of
 42 the General Statutes, prior to the Town's relinquishment of jurisdiction over
 43 the area on or before January 1, 2022.

44"

45 **SECTION 14.** 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 15.** 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 16.** 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—Chapter 160D~~ of the General Statutes
46 except as to property no longer owned by the State. If any portion of such property owned by the
47 State of North Carolina as of September 1, 2007, is no longer owned by the State, the Town of
48 Butner may exercise all legal authority granted to the Town pursuant to the terms of its charter
49 or by ~~Article 19 of Chapter 160A—Chapter 160D~~ of the General Statutes and may do so by
50 ordinances adopted prior to the actual date of transfer. Before the State shall dispose of any
51 property inside the incorporated limits of the Town of Butner or any of that property currently

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

10 **SECTION 17.** G.S. 130A-317 reads as rewritten:

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

13 ...

14 (d) Municipalities, counties, local boards or commissions, water and sewer authorities,
15 or groups of municipalities and counties may establish and administer within their utility service
16 areas their own approval program in lieu of State approval of water system plans required in
17 subsection (c) of this section for construction or alteration of the distribution system of a proposed
18 or existing public water system, subject to the prior certification of the Department. For purposes
19 of this subsection, the service area of a municipality shall include only that area within the
20 corporate limits of the municipality and that area outside a municipality in its extraterritorial
21 jurisdiction where water service is already being provided to the permit applicant by the
22 municipality or connection to the municipal water system is immediately available to the
23 applicant; the service areas of counties and the other entities or groups shall include only those
24 areas where water service is already being provided to the applicant by the permitting authority
25 or connection to the permitting authority's system is immediately available. For purposes of this
26 subsection, the term "extraterritorial jurisdiction" means the boundaries of the area over which a
27 municipality was exercising extraterritorial planning jurisdiction under Article 19 of Chapter
28 160A of the General Statutes, or its successor Chapter 160D of the General Statutes, prior to the
29 municipality's relinquishment of jurisdiction over the area on or before January 1, 2022. No later
30 than the 180th day after the receipt of an approval program and statement submitted by any local
31 government, commission, authority, or board, the Department shall certify any local program
32 that meets all of the following conditions:

33"

34 **SECTION 18.** G.S. 136-55.1 reads as rewritten:

35 **"§ 136-55.1. Notice of abandonment.**

36 ...

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

41 **SECTION 19.** G.S. 136-63 reads as rewritten:

42 **"§ 136-63. Change or abandonment of roads.**

43 ...

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

48 **SECTION 20.** G.S. 136-66.3 reads as rewritten:

49 **"§ 136-66.3. Local government participation in improvements to the State transportation**
50 **system.**

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

5"

6 **SECTION 21.** G.S. 143-138 reads as rewritten:
7 **"§ 143-138. North Carolina State Building Code.**

8 ...

9 (e) Effect upon Local Codes. – Except as otherwise provided in this section, the North
10 Carolina State Building Code shall apply throughout the State, from the time of its adoption.
11 Approved rules shall become effective in accordance with G.S. 150B-21.3. However, any
12 political subdivision of the State may adopt a fire prevention code and floodplain management
13 regulations within its jurisdiction. The territorial jurisdiction of any municipality or county for
14 this purpose, unless otherwise specified by the General Assembly, shall be as follows: ~~Municipal~~
15 ~~jurisdiction shall include all areas within the corporate limits of the~~ municipality ~~and~~
16 ~~extraterritorial jurisdiction areas established as provided in G.S. 160A-360 or a local act;~~
17 municipality; county jurisdiction shall include all other areas of the county. No such code or
18 regulations, other than floodplain management regulations and those permitted by
19 G.S. 160A-436, shall be effective until they have been officially approved by the Building Code
20 Council as providing adequate minimum standards to preserve and protect health and safety, in
21 accordance with the provisions of subsection (c) above. Local floodplain regulations may
22 regulate all types and uses of buildings or structures located in flood hazard areas identified by
23 local, State, and federal agencies, and include provisions governing substantial improvements,
24 substantial damage, cumulative substantial improvements, lowest floor elevation, protection of
25 mechanical and electrical systems, foundation construction, anchorage, acceptable flood resistant
26 materials, and other measures the political subdivision deems necessary considering the
27 characteristics of its flood hazards and vulnerability. In the absence of approval by the Building
28 Code Council, or in the event that approval is withdrawn, local fire prevention codes and
29 regulations shall have no force and effect. Provided any local regulations approved by the local
30 governing body which are found by the Council to be more stringent than the adopted statewide
31 fire prevention code and which are found to regulate only activities and conditions in buildings,
32 structures, and premises that pose dangers of fire, explosion or related hazards, and are not
33 matters in conflict with the State Building Code, shall be approved. Local governments may
34 enforce the fire prevention code of the State Building Code using civil remedies authorized under
35 G.S. 143-139, 153A-123, and 160A-175. If the Commissioner of Insurance or other State official
36 with responsibility for enforcement of the Code institutes a civil action pursuant to G.S. 143-139,
37 a local government may not institute a civil action under G.S. 143-139, 153A-123, or 160A-175
38 based upon the same violation. Appeals from the assessment or imposition of such civil remedies
39 shall be as provided in G.S. 160A-434.

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

43"

44 **SECTION 22.** G.S. 143-215.1 reads as rewritten:
45 **"§ 143-215.1. Control of sources of water pollution; permits required.**

46 ...

47 (f) Local Permit Programs for Sewer Extension and Reclaimed Water Utilization. –
48 Municipalities, counties, local boards or commissions, water and sewer authorities, or groups of
49 municipalities and counties may establish and administer within their utility service areas their
50 own general permit programs in lieu of State permit required in G.S. 143-215.1(a)(2), (3), and
51 (8) above, for construction, operation, alteration, extension, change of proposed or existing sewer

1 system, subject to the prior certification of the Commission. For purposes of this subsection, the
2 service area of a municipality shall include only that area within the corporate limits of the
3 municipality and that area outside a municipality in its extraterritorial jurisdiction where sewer
4 service or a reclaimed water utilization system is already being provided by the municipality to
5 the permit applicant or connection to the municipal sewer system or a reclaimed water utilization
6 system is immediately available to the applicant; the service areas of counties and the other
7 entities or groups shall include only those areas where sewer service or a reclaimed water
8 utilization system is already being provided to the applicant by the permitting authority or
9 connection to the permitting authority's system is immediately available. For purposes of this
10 subsection, the term "extraterritorial jurisdiction" means the boundaries of the area over which a
11 municipality was exercising extraterritorial planning jurisdiction under Article 19 of Chapter
12 160A of the General Statutes, or its successor Chapter 160D of the General Statutes, prior to the
13 municipality's relinquishment of jurisdiction over the area on or before January 1, 2022. No later
14 than the 180th day after the receipt of a program and statement submitted by any local
15 government, commission, authority, or board the Commission shall certify any local program
16 that does all of the following:

17"

18 **SECTION 23.** G.S. 153A-317.14 reads as rewritten:

19 **"§ 153A-317.14. Extension of economic development and training districts.**

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

22 ...

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

27"

28 **SECTION 24.** G.S. 160A-58.4 reads as rewritten:

29 **"§ 160A-58.4. Extraterritorial powers.**

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

36 **SECTION 25.** G.S. 160A-176.1 reads as rewritten:

37 **"§ 160A-176.1. Ordinances effective in Atlantic Ocean.**

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

43"

44 **SECTION 26.** G.S. 160A-176.2 reads as rewritten:

45 **"§ 160A-176.2. Ordinances effective in Atlantic Ocean.**

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

51"

1 **SECTION 27.** G.S. 160A-296 reads as rewritten:
2 "**§ 160A-296. Establishment and control of streets; center and edge lines.**

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

9 "
10 **SECTION 28.** G.S. 160A-299 reads as rewritten:
11 "**§ 160A-299. Procedure for permanently closing streets and alleys.**

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

19 "
20 **SECTION 29.** G.S. 160A-340.2 reads as rewritten:
21 "**§ 160A-340.2. Exemptions.**

22 ...
23 (c) The provisions of G.S. 160A-340.1, 160A-340.3, 160A-340.4, 160A-340.5, and
24 160A-340.6 do not apply to a city or joint agency providing communications service as of
25 January 1, 2011, provided the city or joint agency limits the provision of communications service
26 to any one or more of the following:

- 27 ...
28 (3) The following service areas:
29 a. For the joint agency operated by the cities of Davidson and
30 Mooresville, the service area is the combined areas of the city of
31 Cornelius; the town of Troutman; the town of Huntersville; the
32 unincorporated areas of Mecklenburg County north of a line beginning
33 at Highway 16 along the west boundary of the county, extending
34 eastward along Highway 16, continuing east along Interstate 485, and
35 continuing eastward to the eastern boundary of the county along
36 Eastfield Road; and the unincorporated areas of Iredell County south
37 of Interstate 40, excluding the City of Statesville and the
38 extraterritorial jurisdiction of the City of Statesville. For purposes of
39 this sub-subdivision, the term "extraterritorial jurisdiction" means the
40 boundaries of the area over which the City of Statesville was
41 exercising extraterritorial planning jurisdiction under Article 19 of
42 Chapter 160A of the General Statutes, or its successor Chapter 160D
43 of the General Statutes, prior to the City's relinquishment of
44 jurisdiction over the area on or before January 1, 2022.

45 "
46
47 **PART III. LAW ENFORCEMENT**

48 **SECTION 30.** This act shall have no effect on the extraterritorial jurisdiction of law
49 enforcement officers as authorized in Chapter 77 of the General Statutes, G.S. 15A-402, 20-38.2,
50 160A-286, or any other local act or provision of general law.
51

1 **PART IV. EFFECTIVE DATE**

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

4 **SECTION 32.** This act becomes effective January 1, 2022.