

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH10450-LM-21A

Short Title: Planning ETJ Prohibited.

(Public)

Sponsors: Representative Humphrey.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT PROVIDING THAT NO CITY IN THE STATE MAY HAVE OR EXERCISE
3 PLANNING JURISDICTION OUTSIDE ITS CORPORATE LIMITS.
4 The General Assembly of North Carolina enacts:

5
6 **PART I. EXTRATERRITORIAL PLANNING JURISDICTION PROHIBITED**

7 **SECTION 1.** G.S. 160D-201 reads as rewritten:

8 "**§ 160D-201. Planning and development regulation jurisdiction.**

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

12 ... "

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

14 "**§ 160D-202. Municipal County authority within city limits; transfer and relinquishment**
15 **of extraterritorial jurisdiction.**

16 (a) ~~Geographic Scope.—Any city may exercise the powers granted to cities under this~~
17 ~~Chapter within a defined area extending not more than one mile beyond its contiguous corporate~~
18 ~~limits. In addition, a city of 10,000 or more population but less than 25,000 may exercise these~~
19 ~~powers over an area extending not more than two miles beyond its limits and a city of 25,000 or~~
20 ~~more population may exercise these powers over an area extending not more than three miles~~
21 ~~beyond its limits. In determining the population of a city for the purposes of this Chapter, the city~~
22 ~~council and the board of county commissioners may use the most recent annual estimate of~~
23 ~~population as certified by the Secretary of the North Carolina Department of Administration.~~
24 ~~Pursuant to G.S. 160A-58.4, extraterritorial municipal planning and development regulation may~~
25 ~~be extended only from the primary corporate boundary of a city and not from the boundary of~~
26 ~~satellite areas of the city.~~

27 (b) ~~Authority in the Extraterritorial Area.—A city may not exercise any power conferred~~
28 ~~by this Chapter in its extraterritorial jurisdiction that it is not exercising within its corporate limits.~~
29 ~~A city may exercise in its extraterritorial area all powers conferred by this Chapter that it is~~
30 ~~exercising within its corporate limits. If a city fails to extend a particular type of development~~
31 ~~regulation to the extraterritorial area, the county may elect to exercise that particular type of~~
32 ~~regulation in the extraterritorial area.~~

33 (c) ~~County Approval of City Jurisdiction.—Notwithstanding subsection (a) of this~~
34 ~~section, no city may extend its extraterritorial powers into any area for which the county has~~
35 ~~adopted and is enforcing county zoning and subdivision regulations. However, the city may do~~
36 ~~so where the county is not exercising both of these powers, or when the city and the county have~~



1 agreed upon the area within which each will exercise the powers conferred by this Chapter. No
2 city may extend its extraterritorial powers beyond one mile from its corporate limits without the
3 approval of the board or boards of county commissioners with jurisdiction over the area.

4 (d) ~~Notice of Proposed Jurisdiction Change.~~— Any municipality proposing to exercise
5 extraterritorial jurisdiction under this Chapter shall notify the owners of all parcels of land
6 proposed for addition to the area of extraterritorial jurisdiction, as shown on the county tax
7 records. The notice shall be sent by first-class mail to the last addresses listed for affected
8 property owners in the county tax records. The notice shall inform the landowner of the effect of
9 the extension of extraterritorial jurisdiction, of the landowner's right to participate in a legislative
10 hearing prior to adoption of any ordinance extending the area of extraterritorial jurisdiction, as
11 provided in G.S. 160D-601, and of the right of all residents of the area to apply to the board of
12 county commissioners to serve as a representative on the planning board and the board of
13 adjustment, as provided in G.S. 160D-303. The notice shall be mailed at least 30 days prior to
14 the date of the hearing. The person or persons mailing the notices shall certify to the city council
15 that the notices were sent by first-class mail, and the certificate shall be deemed conclusive in the
16 absence of fraud.

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

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

34 (f)(a) ~~County Authority Within City Jurisdiction.~~ – The county may, on request of the city
35 council, exercise any or all of ~~these~~ the powers granted in this Chapter in any or all areas lying
36 within the city's corporate limits ~~or within the city's specified area of extraterritorial jurisdiction.~~
37 limits.

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

46 (h)(c) ~~Relinquishment of Jurisdiction.~~ – When a city relinquishes jurisdiction over an area
47 that it is regulating under this Chapter to a county, the city development regulations and powers
48 of enforcement shall remain in effect until (i) the county has adopted such development
49 regulation or (ii) a period of 60 days has elapsed following the action by which the city
50 relinquished jurisdiction, whichever is sooner. Prior to the transfer of jurisdiction, the county
51 may hold hearings and take other measures consistent with G.S. 160D-204 that may be required

1 in order to adopt and apply its development regulations for the area at the same time it assumes
 2 jurisdiction.

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

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

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

22 SECTION 3. G.S. 160D-307 is repealed.

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

24 "§ 160D-602. Notice of hearing on proposed zoning map amendments.

25 (a) Mailed Notice. – Subject to the limitations of this Chapter, an ordinance shall provide
 26 for the manner in which zoning regulations and the boundaries of zoning districts are to be
 27 determined, established, and enforced, and from time to time amended, supplemented, or
 28 changed, in accordance with the provisions of this Chapter. The owners of affected parcels of
 29 land and the owners of all parcels of land abutting that parcel of land shall be mailed a notice of
 30 the hearing on a proposed zoning map amendment by first-class mail at the last addresses listed
 31 for such owners on the county tax abstracts. For the purpose of this section, properties are
 32 "abutting" even if separated by a street, railroad, or other transportation corridor. This notice must
 33 be deposited in the mail at least 10 but not more than 25 days prior to the date of the hearing. ~~If~~
 34 ~~the zoning map amendment is being proposed in conjunction with an expansion of municipal~~
 35 ~~extraterritorial planning and development regulation jurisdiction under G.S. 160D-202, a single~~
 36 ~~hearing on the zoning map amendment and the boundary amendment may be held. In this~~
 37 ~~instance, the initial notice of the zoning map amendment hearing may be combined with the~~
 38 ~~boundary hearing notice and the combined hearing notice mailed at least 30 days prior to the~~
 39 ~~hearing.~~

40"

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

42 "§ 160D-903. Agricultural uses.

43 ...

44 (e) Agricultural Areas in Municipal Extraterritorial Jurisdiction. — ~~Property that is located~~
 45 ~~in a city's extraterritorial planning and development regulation jurisdiction and that is used for~~
 46 ~~bona fide farm purposes is exempt from the city's zoning regulation to the same extent bona fide~~
 47 ~~farming activities are exempt from county zoning pursuant to this section. As used in this~~
 48 ~~subsection, "property" means a single tract of property or an identifiable portion of a single tract.~~
 49 ~~Property that ceases to be used for bona fide farm purposes becomes subject to exercise of the~~
 50 ~~city's extraterritorial planning and development regulation jurisdiction under this Chapter. For~~
 51 ~~purposes of complying with State or federal law, property that is exempt from municipal zoning~~

1 pursuant to this subsection is subject to the county's floodplain regulation or all floodplain
2 regulation provisions of the county's unified development ordinance.

3 ... "

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

5 **"§ 160D-912. Outdoor advertising.**

6 ...

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

13 ... "

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

15 **"§ 160D-925. Stormwater control.**

16 ...

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

22 ... "

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

24 **"§ 160D-1125. Enforcement.**

25 ...

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

33 ... "

34 **SECTION 9.** Any provision in a local act, including a local act establishing or
35 amending a city charter, that grants a city the power to exercise extraterritorial planning
36 jurisdiction under Article 19 of Chapter 160A of the General Statutes, or its successor Chapter
37 160D of the General Statutes, is hereby repealed.

38 **SECTION 10.** The relinquishment of jurisdiction over an area that a city is regulating
39 under the authority of extraterritorial planning jurisdiction under Article 19 of Chapter 160A of
40 the General Statutes, or its successor Chapter 160D of the General Statutes, shall become
41 effective January 1, 2026. However, nothing in this act shall be construed as prohibiting a city
42 from relinquishing jurisdiction over an area prior to January 1, 2026 in accordance with
43 G.S. 160D-202.

44 **SECTION 11.** Upon relinquishment of jurisdiction over an area that a city is
45 regulating under the authority of extraterritorial planning jurisdiction under Article 19 of Chapter
46 160A of the General Statutes, or its successor Chapter 160D of the General Statutes:

47 (1) The city regulations and powers of enforcement shall remain in effect until (i)
48 the county has adopted the regulation or (ii) a period of 60 days has elapsed
49 following the effective date of this act, whichever is sooner. During this
50 period, the county may hold hearings and take other measures that may be
51 required in order to adopt its regulations for the area.

- 1 (2) Any person who has acquired vested rights under a permit, certificate, or other
 2 evidence of compliance issued by the city may exercise those rights as if no
 3 change of jurisdiction had occurred. The county acquiring jurisdiction may
 4 take any action regarding the permit, certificate, or other evidence of
 5 compliance that could have been taken by the city surrendering jurisdiction
 6 pursuant to its ordinances and regulations. Except as provided in this section,
 7 any building, structure, or other land use in a territory over which a county has
 8 acquired jurisdiction is subject to the ordinances and regulations of the county.
 9

10 PART II. CONFORMING CHANGES

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

12 "§ 113A-208. Regulation of mountain ridge construction by counties and cities.

13 ...
 14 (d) An ordinance adopted under the authority of this section applies to all protected
 15 mountain ridges as defined in G.S. 113A-206. A county or city may apply the ordinance to other
 16 mountain ridges within its jurisdiction if it finds that this application is reasonably necessary to
 17 protect against some or all of the hazards or problems set forth in G.S. 113A-207. ~~Additionally,~~
 18 ~~a city with a population of 50,000 or more may apply the ordinance to other mountain ridges~~
 19 ~~within its extraterritorial planning jurisdiction if it finds that this application is reasonably~~
 20 ~~necessary to protect against some or all of the hazards or problems set forth in G.S. 113A-207.~~

21"

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

23 "§ 122C-3. Definitions.

24 The following definitions apply in this Chapter:

25 ...

26 (13e) Extraterritorial jurisdiction. – The boundaries of the area over which the Town
 27 of Butner was exercising extraterritorial planning jurisdiction under Article
 28 19 of Chapter 160A of the General Statutes, or its successor Chapter 160D of
 29 the General Statutes, prior to the Town's relinquishment of jurisdiction over
 30 the area on or before January 1, 2026.

31"

32 SECTION 14. G.S. 122C-403 reads as rewritten:

33 "§ 122C-403. Secretary's authority over Camp Butner reservation.

34 The Secretary shall administer the Camp Butner reservation except (i) those areas within the
 35 municipal boundaries of the Town of Butner and (ii) that portion of the Town of Butner's
 36 extraterritorial ~~jurisdiction—jurisdiction, as defined in G.S. 122C-3(13e),~~ consisting of lands not
 37 owned by the State of North Carolina. In performing this duty, the Secretary has the powers listed
 38 below. In exercising these powers the Secretary has the same authority and is subject to the same
 39 restrictions that the governing body of a city would have and would be subject to if the reservation
 40 was a city, unless this section provides to the contrary. The Secretary may do the following:

41"

42 SECTION 15. G.S. 122C-405 reads as rewritten:

43 "§ 122C-405. Procedure applicable to rules.

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

49 Rules adopted under this Article may apply to part or all of the Camp Butner Reservation,
 50 except those areas within the municipal boundaries of the Town of Butner and that portion of the
 51 Town of Butner's extraterritorial ~~jurisdiction—jurisdiction, as defined in G.S. 122C-3(13e),~~

1 consisting of lands not owned by the State of North Carolina. If a public hearing is required
2 before the adoption of a rule, Advisory the Secretary shall designate one or more employees of
3 the Department to conduct the hearing. The Butner Town Council shall receive at least 14 days'
4 advance written notice of any public hearing with all correspondence concerning such public
5 hearings to be directed to the mayor of the Town of Butner and sent by certified mail, return
6 receipt requested, or equivalent delivery service to Butner Town Hall."

7 **SECTION 16.** G.S. 122C-410 reads as rewritten:

8 "**§ 122C-410. Authority of county or city over Camp Butner Reservation; zoning**
9 **jurisdiction by Town of Butner over State lands.**

10 (a) A municipality other than the Town of Butner may not annex territory extending into
11 ~~or extend its extraterritorial jurisdiction into~~ the Camp Butner reservation without written
12 approval from the Secretary and the Butner Town Council of each proposed ~~annexation or~~
13 ~~extension.~~ annexation. The Town of Butner may not annex territory extending into ~~or extend its~~
14 ~~extraterritorial jurisdiction into~~ those portions of the Camp Butner Reservation owned by the
15 State of North Carolina without written approval from the Secretary of each proposed ~~annexation~~
16 ~~or extension.~~ annexation. The procedures, if any, for withdrawing approval granted by the
17 Secretary to an annexation ~~or extension of extraterritorial jurisdiction~~ shall be stated in the notice
18 of approval.

19 (b) A county ordinance may apply in part or all of the Camp Butner reservation (other
20 than areas within the Town of Butner) if the Secretary gives written approval of the ~~ordinance,~~
21 ~~except that ordinances adopted by a county under Chapter 160D of the General Statutes may not~~
22 ~~apply in the extraterritorial jurisdiction of the Town of Butner without approval of the Butner~~
23 ~~Town Council.~~ ordinance. The Secretary may withdraw approval of a county ordinance by giving
24 written notification, by certified mail, return receipt requested, to the county. A county ordinance
25 ceases to be effective in the Camp Butner reservation 30 days after the county receives the written
26 notice of the withdrawal of approval. This section does not enhance or diminish the authority of
27 a county to enact ordinances applicable to the Town of ~~Butner and its extraterritorial jurisdiction.~~
28 Butner.

29 (c) Notwithstanding any other provision of this Article, no portion of the lands owned by
30 the State as of September 1, 2007, which are located in the ~~extraterritorial jurisdiction or the~~
31 incorporated limits of the Town of Butner shall be subject to any of the powers granted to the
32 Town of Butner pursuant to Chapter 160D of the General Statutes except as to property no longer
33 owned by the State. If any portion of such property owned by the State of North Carolina as of
34 September 1, 2007, is no longer owned by the State, the Town of Butner may exercise all legal
35 authority granted to the Town pursuant to the terms of its charter or by Chapter 160D of the
36 General Statutes and may do so by ordinances adopted prior to the actual date of transfer. Before
37 the State shall dispose of any property inside the incorporated limits of the Town of Butner or
38 any of that property currently under the control of the North Carolina Department of Health and
39 Human Services or the North Carolina Department of Agriculture and Consumer Services within
40 the ~~extraterritorial jurisdiction~~ jurisdiction, as that term is defined in G.S. 122C-3(13e), of the
41 Town of Butner, southeast of Old Highway 75, northeast of Central Avenue, southwest of 33rd
42 Street, and northwest of "G" Street, by sale or lease for any use not directly associated with a
43 State function, the Town of Butner shall first be given the right of first refusal to purchase said
44 property at fair market value as determined by the average of the value of said property as
45 determined by a qualified appraiser selected by the Secretary and a qualified appraiser selected
46 by the Town of Butner."

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

48 "**§ 130A-317. Department to provide advice; submission and approval of public water**
49 **system plans.**

50 ...

(d) Municipalities, counties, local boards or commissions, water and sewer authorities, or groups of municipalities and counties may establish and administer within their utility service areas their own approval program in lieu of State approval of water system plans required in subsection (c) of this section for construction or alteration of the distribution system of a proposed or existing public water system, subject to the prior certification of the Department. For purposes of this subsection, the service area of a municipality shall include only that area within the corporate limits of the municipality and that area outside a municipality in its extraterritorial jurisdiction where water service is already being provided to the permit applicant by the municipality or connection to the municipal water system is immediately available to the applicant; the service areas of counties and the other entities or groups shall include only those areas where water service is already being provided to the applicant by the permitting authority or connection to the permitting authority's system is immediately available. For purposes of this subsection, the term "extraterritorial jurisdiction" means the boundaries of the area over which a municipality was exercising extraterritorial planning jurisdiction under Article 19 of Chapter 160A of the General Statutes, or its successor Chapter 160D of the General Statutes, prior to the municipality's relinquishment of jurisdiction over the area on or before January 1, 2026. No later than the 180th day after the receipt of an approval program and statement submitted by any local government, commission, authority, or board, the Department shall certify any local program that meets all of the following conditions:

... "

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

"§ 136-55.1. Notice of abandonment.

...

(b) ~~In keeping with its overall zoning scheme and long range plans regarding the extraterritorial jurisdiction area,~~ Notwithstanding any provision of Chapter 160D of the General Statutes or any other provision of law, a municipality may keep open and assume responsibility for maintenance of a road within one mile of its corporate limits once it is abandoned from the State highway system."

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

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

...

(b) ~~In keeping with its overall zoning scheme and long range plans regarding the extraterritorial jurisdiction area,~~ Notwithstanding any provision of Chapter 160D of the General Statutes or any other provision of law, a municipality may keep open and assume responsibility for maintenance of a road within one mile of its corporate limits once it is abandoned from the State highway system."

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

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

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

... "

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

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

...

(e) Effect upon Local Codes. – Except as otherwise provided in this section, the North Carolina State Building Code shall apply throughout the State, from the time of its adoption. Approved rules shall become effective in accordance with G.S. 150B-21.3. However, any political subdivision of the State may adopt a fire prevention code and floodplain management

1 regulations within its jurisdiction. Provided a political subdivision shall not adopt local fire
2 prevention code provisions which apply to dwellings subject to the North Carolina Residential
3 Code which are not prescriptively required by the North Carolina Residential Code. The
4 territorial jurisdiction of any municipality or county for this purpose, unless otherwise specified
5 by the General Assembly, shall be as follows: Municipal jurisdiction shall include all areas within
6 the corporate limits of the ~~municipality and extraterritorial jurisdiction areas established as~~
7 ~~provided in G.S. 160D-202 or a local act;~~ municipality; county jurisdiction shall include all other
8 areas of the county. No such code or regulations, other than floodplain management regulations
9 and those permitted by G.S. 160D-1128, shall be effective until they have been officially
10 approved by the Building Code Council as providing adequate minimum standards to preserve
11 and protect health and safety, in accordance with the provisions of subsection (c) above. Local
12 floodplain regulations may regulate all types and uses of buildings or structures located in flood
13 hazard areas identified by local, State, and federal agencies, and include provisions governing
14 substantial improvements, substantial damage, cumulative substantial improvements, lowest
15 floor elevation, protection of mechanical and electrical systems, foundation construction,
16 anchorage, acceptable flood resistant materials, and other measures the political subdivision
17 deems necessary considering the characteristics of its flood hazards and vulnerability. In the
18 absence of approval by the Building Code Council, or in the event that approval is withdrawn,
19 local fire prevention codes and regulations shall have no force and effect. Provided any local
20 regulations approved by the local governing body which are found by the Council to be more
21 stringent than the adopted statewide fire prevention code and which are found to regulate only
22 activities and conditions in buildings, structures, and premises that pose dangers of fire, explosion
23 or related hazards, and are not matters in conflict with the State Building Code, may be approved.
24 Local governments may enforce the fire prevention code of the State Building Code using civil
25 remedies authorized under G.S. 143-139, 153A-123, and 160A-175. If the Commissioner of
26 Insurance or other State official with responsibility for enforcement of the Code institutes a civil
27 action pursuant to G.S. 143-139, a local government may not institute a civil action under
28 G.S. 143-139, 153A-123, or 160A-175 based upon the same violation. Appeals from the
29 assessment or imposition of such civil remedies shall be as provided in G.S. 160D-1127.

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

33"

34 **SECTION 22.** G.S. 143-215.1 reads as rewritten:

35 "**§ 143-215.1. Control of sources of water pollution; permits required.**

36 ...

37 (f) Local Permit Programs for Sewer Extension and Reclaimed Water Utilization. –
38 Municipalities, counties, local boards or commissions, water and sewer authorities, or groups of
39 municipalities and counties may establish and administer within their utility service areas their
40 own general permit programs in lieu of State permit required in G.S. 143-215.1(a)(2), (3), and
41 (8) above, for construction, operation, alteration, extension, change of proposed or existing sewer
42 system, subject to the prior certification of the Commission. For purposes of this subsection, the
43 service area of a municipality shall include only that area within the corporate limits of the
44 municipality and that area outside a municipality in its extraterritorial jurisdiction where sewer
45 service or a reclaimed water utilization system is already being provided by the municipality to
46 the permit applicant or connection to the municipal sewer system or a reclaimed water utilization
47 system is immediately available to the applicant; the service areas of counties and the other
48 entities or groups shall include only those areas where sewer service or a reclaimed water
49 utilization system is already being provided to the applicant by the permitting authority or
50 connection to the permitting authority's system is immediately available. For purposes of this
51 subsection, the term "extraterritorial jurisdiction" means the boundaries of the area over which a

1 municipality was exercising extraterritorial planning jurisdiction under Article 19 of Chapter
 2 160A of the General Statutes, or its successor Chapter 160D of the General Statutes, prior to the
 3 municipality's relinquishment of jurisdiction over the area on or before January 1, 2026. No later
 4 than the 180th day after the receipt of a program and statement submitted by any local
 5 government, commission, authority, or board the Commission shall certify any local program
 6 that does all of the following:

7"

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

9 **"§ 153A-317.14. Extension of economic development and training districts.**

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

12 ...

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

17"

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

19 **"§ 160A-58.4. Extraterritorial powers.**

20 Satellite corporate limits shall not be considered a part of the city's corporate limits for the
 21 ~~purposes of extraterritorial land use regulation pursuant to G.S. 160D-202 or purpose of~~
 22 ~~abatement of public health nuisances pursuant to G.S. 160A-193. However, a city's power to~~
 23 ~~regulate land use pursuant to Chapter 160D of the General Statutes or to abate public health~~
 24 ~~nuisances pursuant to G.S. 160A-193, G.S. 160A-193 shall be the same within satellite corporate~~
 25 ~~limits as within its primary corporate limits."~~

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

27 **"§ 160A-176.1. Ordinances effective in Atlantic Ocean.**

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

33"

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

35 **"§ 160A-176.2. Ordinances effective in Atlantic Ocean.**

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

41"

42 **SECTION 27.** G.S. 160A-296 reads as rewritten:

43 **"§ 160A-296. Establishment and control of streets; center and edge lines.**

44 ...

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

50"

51 **SECTION 28.** G.S. 160A-299 reads as rewritten:

1 **"§ 160A-299. Procedure for permanently closing streets and alleys.**

2 ...
3 (d) This section shall apply to any street or public alley within a city ~~or its extraterritorial~~
4 ~~jurisdiction~~ that has been irrevocably dedicated to the public, without regard to whether it has
5 actually been opened. This section also applies to unopened streets or public alleys that are shown
6 on plats but that have not been accepted or maintained by the city, provided that this section shall
7 not abrogate the rights of a dedicator, or those claiming under a dedicator, pursuant to
8 G.S. 136-96.

9"

10 **SECTION 29.** G.S. 160A-340.2 reads as rewritten:

11 **"§ 160A-340.2. Exemptions.**

12 ...
13 (c) The provisions of G.S. 160A-340.1, 160A-340.3, 160A-340.4, 160A-340.5, and
14 160A-340.6 do not apply to a city or joint agency providing communications service as of
15 January 1, 2011, provided the city or joint agency limits the provision of communications service
16 to any one or more of the following:

- 17 ...
18 (3) The following service areas:
19 a. For the joint agency operated by the cities of Davidson and
20 Mooresville, the service area is the combined areas of the city of
21 Cornelius; the town of Troutman; the town of Huntersville; the
22 unincorporated areas of Mecklenburg County north of a line beginning
23 at Highway 16 along the west boundary of the county, extending
24 eastward along Highway 16, continuing east along Interstate 485, and
25 continuing eastward to the eastern boundary of the county along
26 Eastfield Road; and the unincorporated areas of Iredell County south
27 of Interstate 40, excluding the City of Statesville and the
28 extraterritorial jurisdiction of the City of Statesville. For purposes of
29 this sub-subdivision, the term "extraterritorial jurisdiction" means the
30 boundaries of the area over which the City of Statesville was
31 exercising extraterritorial planning jurisdiction under Article 19 of
32 Chapter 160A of the General Statutes, or its successor Chapter 160D
33 of the General Statutes, prior to the City's relinquishment of
34 jurisdiction over the area on or before January 1, 2026.

35"

36
37 **PART III. LAW ENFORCEMENT**

38 **SECTION 30.** This act shall have no effect on the extraterritorial jurisdiction of law
39 enforcement officers as authorized in Chapter 77 of the General Statutes, G.S. 15A-402, 20-38.2,
40 160A-286, or any other local act or provision of general law.

41
42 **PART IV. EFFECTIVE DATE**

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

45 **SECTION 32.** This act becomes effective January 1, 2026.