

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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SENATE BILL 666

Local Government & Regional Affairs Committee Substitute Adopted 4/18/89

Short Title: Amend Catawba Law.

(Local)

Sponsors:

Referred to:

March 27, 1989

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE LAWS IN CATAWBA COUNTY.

3 The General Assembly of North Carolina enacts:

4 Section 1. Section 2 of Chapter 1021 of the 1987 Session Laws reads as
5 rewritten:

6 "Sec. 2. Definitions. The following definitions apply in this act unless the context
7 clearly requires otherwise:

8 (1) 'Capital costs' means costs spent for developing community service
9 facilities; such costs are limited to capital outlay items listed in the
10 'Uniform Local Government Accounting Systems' procedural manual
11 prepared by the North Carolina Local Government Commission.

12 (2) 'Community service facilities' means the following public facilities or
13 improvements provided or established by the local government or in
14 conjunction with other units of government:

- 15 a. Water, sewer, and drainage projects;
- 16 b. Parks, open spaces, and recreational facilities;
- 17 c. Sidewalks, thoroughfare rights-of-way;
- 18 d. Emergency medical services facilities;
- 19 e. Fire stations;
- 20 f. Schools;
- 21 g. ~~Cultural facilities; and Cultural facilities other than libraries;~~
- 22 h. ~~Solid waste collection, handling, and disposal facilities.~~
- 23 collection;

- 1 i. Libraries; and
2 j. Solid waste handling, disposal and recycling.

3 No other facility shall be considered as 'Community service facilities' under the
4 provisions of this act.

5 (3) 'Developer' means an individual, corporation, partnership,
6 organization, association, firm, political subdivision, or other legal
7 entity constructing or creating new construction.

8 (4) 'Facility fee' means the charge imposed upon new construction
9 pursuant to the grant or authority herein contained.

10 (5) 'New construction' means any new development, construction, or
11 installation that requires any building or zoning permit, certification, or
12 other action permitting real property improvements. The term includes
13 the installation of a mobile home or factory built or modular housing.
14 The term excludes the renovation and repair of existing structures and
15 accessory uses and their structures, unless such renovations and repairs
16 and accessory uses shall cause an increase in the off-street parking
17 requirement or a change in occupancy as occupancy is defined by the
18 North Carolina State Building Code. The term also excludes additions
19 unless such addition causes an increase in the off-street parking
20 requirement or a change in occupancy as occupancy is defined by the
21 North Carolina State Building Code. Further, the term does not
22 include fences, billboards, poles, pipelines, transmission lines,
23 advertising signs or similar structures and improvements that do not
24 generate the need for additional or expanded community facilities
25 upon completion of the additions or improvements."

26 Sec. 2. Section 3 of Chapter 1021 of the 1987 Session Laws reads as
27 rewritten:

28 "Sec. 3. Subject to the conditions hereinafter set forth, a county that adopts an
29 ordinance under this act shall have the right, power and authority to impose and collect
30 a regulatory fee as a facility fee on all new construction ~~within its limits and jurisdiction, in~~
31 ~~accordance with G.S. 153A-122 as if the ordinance had been adopted under Article 6 of~~
32 ~~Chapter 153A of the General Statutes except that a fee under Section (2)f may be applied~~
33 ~~notwithstanding G.S. 153A-122. within the county, notwithstanding G.S. 153A-122,~~
34 except as follows:

35 (1) Facility fees for the following purposes may only be applied outside
36 the corporate boundaries of municipalities: water, sewer, and drainage
37 projects; parks, open spaces, and recreational facilities; sidewalks,
38 thoroughfare rights-of-way; fire stations; solid waste collections.

39 (2) Facility fees for the following purpose may only be applied outside the
40 corporate boundaries and extraterritorial jurisdiction of the City of
41 Hickory, unless otherwise approved by the Hickory City Council:
42 Libraries."

43 Sec. 3. This act is effective upon ratification.