

GENERAL ASSEMBLY OF NORTH CAROLINA
1995 SESSION

CHAPTER 657
SENATE BILL 662

AN ACT TO ALLOW RICHMOND COUNTY TO CREATE FIRE PROTECTION DISTRICTS IN WHICH FIRE PROTECTION IS FUNDED BY FEES RATHER THAN TAXES.

The General Assembly of North Carolina enacts:

Section 1. Article 11 of Chapter 153A of the General Statutes is amended by adding a new section to read:

"§ 153A-236. Fee-supported fire districts.

(a) Request for Fee-supported District. – A county may establish a fee-supported fire response district in any one or more of the following circumstances:

- (1) Upon receipt by the county of a written request to create a district signed by at least two-thirds of the members of the board of directors of a fire department that contracts with the county to provide fire protection within an area of the county.
- (2) Upon receipt by the county of a petition requesting creation of a district signed by at least fifteen percent (15%) of the resident freeholders living in an area in the county and describing the area to be designated as the district.
- (3) Whether or not a written request or petition is made pursuant to subdivisions (1) or (2) of this subsection, upon the board of commissioners' own initiative.

(b) Creation of Fee-supported District. – A fee-supported fire district shall be created by adoption of a resolution by the board of commissioners in a regularly scheduled meeting having been preceded by a public hearing held not less than 10 days prior to nor more than 45 days prior to the date of the meeting when the vote is to be taken. The public hearing must have been advertised at least once, and not less than 10 days before date of the hearing, in a daily newspaper of prominent circulation in the county. In computing such period, the day of publication is not to be included but the day of the hearing shall be included. The proposed district maps shall be available for public inspection at the hearing and in the office of the clerk to the board for the entire period of this procedure and shall be published in a daily newspaper of prominent circulation in the county along with the advertisement of the public hearing.

The resolution creating the fee-supported district shall set forth the boundaries of the district and shall impose annual fees for the provision of fire protection services within the district. The district may not include any area that is within (i) a tax-supported fire district established under Article 3A of Chapter 69 of the General Statutes; (ii) a county

fire service district established under Article 16 of this Chapter for fire protection purposes; or (iii) another fee-supported fire district. The district may not include any area that is within the corporate limits of a municipality unless the governing body of the municipality agrees to the inclusion.

(c) Fees. – The fees imposed by the county may not exceed the cost of providing fire protection services within the district and may be imposed on owners of all real property that benefits from the availability of fire protection. The county shall establish a schedule of fees for different classes of property and the fee for each class of property shall be proportional to the estimated cost of providing fire protection services to that class of property. These classes shall be as follows:

- (1) A single-family dwelling or manufactured home, and appurtenant structures, plus up to five acres of surrounding land.
- (2) Unimproved land other than the five acres of land classified as part of a single-family dwelling or manufactured home. The fee on this class of property may not exceed \$.50 (50 cents) per acre per year. The county may establish a minimum fee for unimproved land of five dollars (\$5.00) per year.
- (3) An animal production or horticultural operation.
- (4) A commercial facility other than an animal production or horticultural operation.
- (5) A multiple-family dwelling.
- (6) Any other class of property selected by the county.

(d) Billing of Fees. – The county may include a fee imposed under this section on the property tax bill for the real property on which the fee is imposed.

(e) Use of Fees. – The county shall credit the fees collected within the district to a separate fund to be used only to furnish fire protection in the district. The board of commissioners shall administer the fund to provide fire protection by one or more of the following methods:

- (1) Contracting with any municipality or any incorporated nonprofit volunteer or community fire department.
- (2) Furnishing fire protection itself if it maintains an organized fire department.
- (3) Establishing a fire department in the district.

(f) Audit of Fire Department. – If the county contracts with a fire department to provide fire protection services in a fee-supported fire district, the fire department shall prepare an annual budget based on anticipated revenues and shall submit the budget to the county for processing and approval through the county's regular budget procedure. Upon request of the county, the fire department shall make quarterly or semiannual reports to the county detailing its revenues, expenditures, and activities. The county may audit the fire department's financial records upon reasonable notice to the fire department.

(g) Extension of Area of District. – The county may by resolution annex to any fee-supported fire district any territory that it could include in a new district under subsection (c) upon finding that:

(1) The area to be annexed is contiguous to the district, with at least one-eighth of the area's aggregate external boundary coincident with the existing boundary of the district; and

(2) The area to be annexed requires the services of the district.

The area of any fee-supported fire district may be increased by including within the boundaries of the district any adjoining territory lying within a municipality if the territory is not already included in another fire protection district, and both the municipal governing body and the county commissioners of the county in which the district is located agree by resolution to the inclusion.

(h) Abolition of District. – Upon finding that there is no longer a need for a given fee-supported fire district, the board of commissioners may repeal the resolution establishing the district and thus abolish the district."

Sec. 2. This act applies to Richmond County only.

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 21st day of June, 1996.

Dennis A. Wicker
President of the Senate

Harold J. Brubaker
Speaker of the House of Representatives