

GENERAL ASSEMBLY OF NORTH CAROLINA
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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH30057-LM-28

Short Title: Justice for Rural Citizens Act. (Public)

Sponsors: Representative Pittman.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO REMOVE THE INJUSTICE OF EXTRATERRITORIAL PLANNING JURISDICTION BY DECLARING THAT NO CITY IN THE STATE MAY HAVE OR EXERCISE PLANNING JURISDICTION OUTSIDE ITS CORPORATE LIMITS.

Whereas, under current State law, any city may exercise planning jurisdiction under Article 19 of Chapter 160A of the General Statutes within a defined area extending not more than one mile beyond its corporate limits; and

Whereas, with the approval of the board of county commissioners with jurisdiction over the area, a city of 10,000 or more but less than 25,000 may exercise planning jurisdiction over an area extending not more than two miles beyond its corporate limits, and a city of 25,000 or more may exercise these powers over an area extending not more than three miles beyond its limits; and

Whereas, the citizens who live in an area over which a city exercises extraterritorial planning jurisdiction are prohibited from voting in municipal elections; and

Whereas, without the ability to vote in municipal elections to choose the persons who will make planning decisions about the areas in which they live, rural citizens do not have a say in some of the important matters that affect their lives and livelihoods; Now, therefore, The General Assembly of North Carolina enacts:

PART I. EXTRATERRITORIAL PLANNING JURISDICTION PROHIBITED

SECTION 1. G.S. 160A-360 reads as rewritten:

"§ 160A-360. ~~Territorial jurisdiction.~~ Limits on planning powers.

(a) All of the powers granted by this Article may be exercised by any city within its corporate limits. ~~In addition, any city may exercise these powers within a defined area extending not more than one mile beyond its limits. With the approval of the board or boards of county commissioners with jurisdiction over the area, a city of 10,000 or more population but less than 25,000 may exercise these powers over an area extending not more than two miles beyond its limits and a city of 25,000 or more population may exercise these powers over an area extending not more than three miles beyond its limits. The boundaries of the city's extraterritorial jurisdiction shall be the same for all powers conferred in this Article. No city may exercise extraterritorially any power conferred by this Article that it is not exercising within its corporate limits. In determining the population of a city for the purposes of this Article, the city council and the board of county commissioners may use the most recent annual estimate of population as certified by the Secretary of the North Carolina Department of Administration.~~

(a1) Any municipality planning to exercise extraterritorial jurisdiction under this Article shall notify the owners of all parcels of land proposed for addition to the area of extraterritorial



1 jurisdiction, as shown on the county tax records. The notice shall be sent by first class mail to
2 the last addresses listed for affected property owners in the county tax records. The notice shall
3 inform the landowner of the effect of the extension of extraterritorial jurisdiction, of the
4 landowner's right to participate in a public hearing prior to adoption of any ordinance extending
5 the area of extraterritorial jurisdiction, as provided in G.S. 160A-364, and the right of all residents
6 of the area to apply to the board of county commissioners to serve as a representative on the
7 planning board and the board of adjustment, as provided in G.S. 160A-362. The notice shall be
8 mailed at least four weeks prior to the public hearing. The person or persons mailing the notices
9 shall certify to the city council that the notices were sent by first class mail, and the certificate
10 shall be deemed conclusive in the absence of fraud.

11 (b) Any council wishing to exercise extraterritorial jurisdiction under this Article shall
12 adopt, and may amend from time to time, an ordinance specifying the areas to be included based
13 upon existing or projected urban development and areas of critical concern to the city, as
14 evidenced by officially adopted plans for its development. Boundaries shall be defined, to the
15 extent feasible, in terms of geographical features identifiable on the ground. A council may, in
16 its discretion, exclude from its extraterritorial jurisdiction areas lying in another county, areas
17 separated from the city by barriers to urban growth, or areas whose projected development will
18 have minimal impact on the city. The boundaries specified in the ordinance shall at all times be
19 drawn on a map, set forth in a written description, or shown by a combination of these techniques.
20 This delineation shall be maintained in the manner provided in G.S. 160A-22 for the delineation
21 of the corporate limits, and shall be recorded in the office of the register of deeds of each county
22 in which any portion of the area lies.

23 (c) Where the extraterritorial jurisdiction of two or more cities overlaps, the jurisdictional
24 boundary between them shall be a line connecting the midway points of the overlapping area
25 unless the city councils agree to another boundary line within the overlapping area based upon
26 existing or projected patterns of development.

27 (d) If a city fails to adopt an ordinance specifying the boundaries of its extraterritorial
28 jurisdiction, the county of which it is a part shall be authorized to exercise the powers granted by
29 this Article in any area beyond the city's corporate limits. The county may also, on request of the
30 city council, exercise any or all these powers in any or all areas lying within the city's corporate
31 limits or within the city's specified area of extraterritorial jurisdiction.

32 (e) No city may hereafter extend its extraterritorial powers under this Article into any
33 area for which the county at that time has adopted and is enforcing a zoning ordinance and
34 subdivision regulations and within which it is enforcing the State Building Code. However, the
35 city may do so where the county is not exercising all three of these powers, or when the city and
36 the county have agreed upon the area within which each will exercise the powers conferred by
37 this Article.

38 (f)(b) When a city ~~annexes~~, annexes or a new city is incorporated in, or a city extends its
39 jurisdiction to include, in an area that is currently being regulated by the ~~county~~, county under
40 this Article or Article 18 of Chapter 153A of the General Statutes, the county regulations and
41 powers of enforcement shall remain in effect until (i) the city has adopted such regulations, or
42 (ii) a period of 60 days has elapsed following the ~~annexation~~, extension ~~annexation or
43 incorporation, whichever is sooner. During this period the city may hold hearings and take any
44 other measures that may be required in order to adopt its regulations for the area.~~

45 (f1) When a city relinquishes jurisdiction over an area that it is regulating under this
46 Article to a county, the city regulations and powers of enforcement shall remain in effect until (i)
47 the county has adopted this regulation or (ii) a period of 60 days has elapsed following the action
48 by which the city relinquished jurisdiction, whichever is sooner. During this period the county
49 may hold hearings and take other measures that may be required in order to adopt its regulations
50 for the area.

1 (g) ~~When a local government is granted powers by this section subject to the request,~~
2 ~~approval, or agreement of another local government, the request, approval, or agreement shall be~~
3 ~~evidenced by a formally adopted resolution of that government's legislative body. Any such~~
4 ~~request, approval, or agreement can be rescinded upon two years' written notice to the other~~
5 ~~legislative bodies concerned by repealing the resolution. The resolution may be modified at any~~
6 ~~time by mutual agreement of the legislative bodies concerned.~~

7 (h) ~~Nothing in this section shall repeal, modify, or amend any local act which defines the~~
8 ~~boundaries of a city's extraterritorial jurisdiction by metes and bounds or courses and distances.~~

9 (i) ~~Whenever a city or county, pursuant to this section, acquires jurisdiction over a~~
10 ~~territory that theretofore has been subject to the jurisdiction of another local government, any~~
11 ~~person who has acquired vested rights under a permit, certificate, or other evidence of compliance~~
12 ~~issued by the local government surrendering jurisdiction may exercise those rights as if no change~~
13 ~~of jurisdiction had occurred. The city or county acquiring jurisdiction may take any action~~
14 ~~regarding such a permit, certificate, or other evidence of compliance that could have been taken~~
15 ~~by the local government surrendering jurisdiction pursuant to its ordinances and regulations.~~
16 ~~Except as provided in this subsection, any building, structure, or other land use in a territory over~~
17 ~~which a city or county has acquired jurisdiction is subject to the ordinances and regulations of~~
18 ~~the city or county.~~

19 (j) ~~Repealed by Session Laws 1973, c. 669, s. 1.~~

20 (k) ~~As used in this subsection, "bona fide farm purposes" is as described in~~
21 ~~G.S. 153A-340. As used in this subsection, "property" means a single tract of property or an~~
22 ~~identifiable portion of a single tract. Property that is located in the geographic area of a~~
23 ~~municipality's extraterritorial jurisdiction and that is used for bona fide farm purposes is exempt~~
24 ~~from exercise of the municipality's extraterritorial jurisdiction under this Article. Property that is~~
25 ~~located in the geographic area of a municipality's extraterritorial jurisdiction and that ceases to~~
26 ~~be used for bona fide farm purposes shall become subject to exercise of the municipality's~~
27 ~~extraterritorial jurisdiction under this Article. For purposes of complying with 44 C.F.R. Part 60,~~
28 ~~Subpart A, property that is exempt from the exercise of extraterritorial jurisdiction pursuant to~~
29 ~~this subsection shall be subject to the county's floodplain ordinance or all floodplain regulation~~
30 ~~provisions of the county's unified development ordinance.~~

31 (l) ~~A municipality may provide in its zoning ordinance that an accessory building of a~~
32 ~~"bona fide farm" as defined by G.S. 153A-340(b) has the same exemption from the building code~~
33 ~~as it would have under county zoning as provided by Part 3 of Article 18 of Chapter 153A of the~~
34 ~~General Statutes.~~

35 ~~This subsection applies only to the City of Raleigh and the Towns of Apex, Cary,~~
36 ~~Fuquay Varina, Garner, Holly Springs, Knightdale, Morrisville, Rolesville, Wake Forest,~~
37 ~~Wendell, and Zebulon."~~

38 **SECTION 2.** G.S. 160A-361 reads as rewritten:

39 "**§ 160A-361. Planning boards.**

40 (a) Any city may by ordinance create or designate one or more boards or commissions to
41 perform the following duties:

42 (1) ~~Make studies of the area within its jurisdiction and surrounding areas;~~the city's
43 corporate limits;

44 "

45 **SECTION 3.** G.S. 160A-362 is repealed.

46 **SECTION 4.** Any provision in a local act that grants a city, town, or village the
47 power to exercise extraterritorial planning jurisdiction under Article 19 of Chapter 160A of the
48 General Statutes is hereby repealed.

49 **SECTION 5.** The relinquishment of jurisdiction over an area that a city is regulating
50 under the authority of extraterritorial planning jurisdiction under Article 19 of Chapter 160A of
51 the General Statutes shall become effective January 1, 2020. However, nothing in this act shall

1 be construed as prohibiting a city from relinquishing jurisdiction over an area prior to January 1,
2 2020, so long as the city complies with the provisions of Article 19 of Chapter 160A of the
3 General Statutes.

4 **SECTION 6.** Upon relinquishment of jurisdiction over an area that a city is
5 regulating under the authority of extraterritorial planning jurisdiction under Article 19 of Chapter
6 160A of the General Statutes:

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

12 (2) Any person who has acquired vested rights under a permit, certificate, or other
13 evidence of compliance issued by the city may exercise those rights as if no
14 change of jurisdiction had occurred. The county acquiring jurisdiction may
15 take any action regarding the permit, certificate, or other evidence of
16 compliance that could have been taken by the city surrendering jurisdiction
17 pursuant to its ordinances and regulations. Except as provided in this section,
18 any building, structure, or other land use in a territory over which a county has
19 acquired jurisdiction is subject to the ordinances and regulations of the county.
20

21 **PART II. CONFORMING CHANGES**

22 **SECTION 7.** G.S. 113A-208 reads as rewritten:

23 **"§ 113A-208. Regulation of mountain ridge construction by counties and cities.**

24 ...

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

32"

33 **SECTION 8.** G.S. 122C-3 reads as rewritten:

34 **"§ 122C-3. Definitions.**

35 The following definitions apply in this Chapter:

36 ...

37 (13e) "Extraterritorial jurisdiction" means the boundaries of the area over which the
38 Town of Butner was exercising extraterritorial planning jurisdiction under
39 Article 19 of Chapter 160A of the General Statutes prior to the Town's
40 relinquishment of jurisdiction over the area on or before January 1, 2020.

41"

42 **SECTION 9.** G.S. 122C-403 reads as rewritten:

43 **"§ 122C-403. Secretary's authority over Camp Butner reservation.**

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

51"

1 **SECTION 10.** G.S. 122C-405 reads as rewritten:

2 "**§ 122C-405. Procedure applicable to rules.**

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

8 Rules adopted under this Article may apply to part or all of the Camp Butner Reservation,
9 except those areas within the municipal boundaries of the Town of Butner and that portion of the
10 Town of Butner's extraterritorial ~~jurisdiction~~jurisdiction, as defined in G.S. 122C-3(13e),
11 consisting of lands not owned by the State of North Carolina. If a public hearing is required
12 before the adoption of a rule, Advisory the Secretary shall designate one or more employees of
13 the Department to conduct the hearing. The Butner Town Council shall receive at least 14 days'
14 advance written notice of any public hearing with all correspondence concerning such public
15 hearings to be directed to the mayor of the Town of Butner and sent by certified mail, return
16 receipt requested, or equivalent delivery service to Butner Town Hall."

17 **SECTION 11.** G.S. 122C-410 reads as rewritten:

18 "**§ 122C-410. Authority of county or city over Camp Butner Reservation; zoning**
19 **jurisdiction by Town of Butner over State lands.**

20 (a) A municipality other than the Town of Butner may not annex territory extending into
21 ~~or extend its extraterritorial jurisdiction into~~ the Camp Butner reservation without written
22 approval from the Secretary and the Butner Town Council of each proposed ~~annexation or~~
23 ~~extension.~~annexation. The Town of Butner may not annex territory extending into ~~or extend its~~
24 ~~extraterritorial jurisdiction into~~ those portions of the Camp Butner Reservation owned by the
25 State of North Carolina without written approval from the Secretary of each proposed ~~annexation~~
26 ~~or extension.~~annexation. The procedures, if any, for withdrawing approval granted by the
27 Secretary to an ~~annexation or extension of extraterritorial jurisdiction~~ shall be stated in the notice
28 of approval.

29 (b) A county ordinance may apply in part or all of the Camp Butner reservation (other
30 than areas within the Town of Butner) if the Secretary gives written approval of the ~~ordinance,~~
31 ~~except that ordinances adopted by a county under Article 18 of Chapter 153A of the General~~
32 ~~Statutes may not apply in the extraterritorial jurisdiction of the Town of Butner without approval~~
33 ~~of the Butner Town Council.~~ordinance. The Secretary may withdraw approval of a county
34 ordinance by giving written notification, by certified mail, return receipt requested, to the county.
35 A county ordinance ceases to be effective in the Camp Butner reservation 30 days after the county
36 receives the written notice of the withdrawal of approval. This section does not enhance or
37 diminish the authority of a county to enact ordinances applicable to the Town of ~~Butner and its~~
38 ~~extraterritorial jurisdiction.~~Butner.

39 (c) Notwithstanding any other provision of this Article, no portion of the lands owned by
40 the State as of September 1, 2007, which are located in the ~~extraterritorial jurisdiction or the~~
41 incorporated limits of the Town of Butner shall be subject to any of the powers granted to the
42 Town of Butner pursuant to Article 19 of Chapter 160A of the General Statutes except as to
43 property no longer owned by the State. If any portion of such property owned by the State of
44 North Carolina as of September 1, 2007, is no longer owned by the State, the Town of Butner
45 may exercise all legal authority granted to the Town pursuant to the terms of its charter or by
46 Article 19 of Chapter 160A of the General Statutes and may do so by ordinances adopted prior
47 to the actual date of transfer. Before the State shall dispose of any property inside the incorporated
48 limits of the Town of Butner or any of that property currently under the control of the North
49 Carolina Department of Health and Human Services or the North Carolina Department of
50 Agriculture and Consumer Services within the extraterritorial ~~jurisdiction~~jurisdiction, as defined
51 in G.S. 122C-3(13e), of the Town of Butner, southeast of Old Highway 75, northeast of Central

1 Avenue, southwest of 33rd Street, and northwest of "G" Street, by sale or lease for any use not
2 directly associated with a State function, the Town of Butner shall first be given the right of first
3 refusal to purchase said property at fair market value as determined by the average of the value
4 of said property as determined by a qualified appraiser selected by the Secretary and a qualified
5 appraiser selected by the Town of Butner."

6 **SECTION 12.** G.S. 130A-317 reads as rewritten:

7 "**§ 130A-317. Department to provide advice; submission and approval of public water**
8 **system plans.**

9 ...

10 (d) Municipalities, counties, local boards or commissions, water and sewer authorities,
11 or groups of municipalities and counties may establish and administer within their utility service
12 areas their own approval program in lieu of State approval of water system plans required in
13 subsection (c) of this section for construction or alteration of the distribution system of a proposed
14 or existing public water system, subject to the prior certification of the Department. For purposes
15 of this subsection, the service area of a municipality shall include only that area within the
16 corporate limits of the municipality and that area outside a municipality in its extraterritorial
17 jurisdiction where water service is already being provided to the permit applicant by the
18 municipality or connection to the municipal water system is immediately available to the
19 applicant; the service areas of counties and the other entities or groups shall include only those
20 areas where water service is already being provided to the applicant by the permitting authority
21 or connection to the permitting authority's system is immediately available. For purposes of this
22 subsection, the term "extraterritorial jurisdiction" means the boundaries of the area over which a
23 municipality was exercising extraterritorial planning jurisdiction under Article 19 of Chapter
24 160A of the General Statutes prior to the municipality's relinquishment of jurisdiction over the
25 area on or before January 1, 2020. No later than the 180th day after the receipt of an approval
26 program and statement submitted by any local government, commission, authority, or board, the
27 Department shall certify any local program that meets all of the following conditions:

28"

29 **SECTION 13.** G.S. 136-44.50 reads as rewritten:

30 "**§ 136-44.50. Transportation corridor official map act.**

31 (a) A transportation corridor official map may be adopted or amended by any of the
32 following:

33 ...

34 ~~Before a city adopts a transportation corridor official map that extends beyond the~~
35 ~~extraterritorial jurisdiction of its building permit issuance and subdivision control ordinances, or~~
36 ~~adopts an amendment to a transportation corridor official map outside the extraterritorial~~
37 ~~jurisdiction of its building permit issuance and subdivision control ordinances, the city shall~~
38 ~~obtain approval from the Board of County Commissioners.~~

39 (a1) No property may be regulated under this Article until:

40 (1) The governing board of the city, the county, the regional transportation
41 authority, the North Carolina Turnpike Authority, the Department of
42 Transportation, or any other entity listed in subsection (a) of this section has
43 held a public hearing in each county affected by the map on the proposed map
44 or amendment. Notice of the hearing shall be provided:

45 ...

46 b. By two week written notice to the Secretary of Transportation, the
47 Chairman of the Board of County Commissioners, and the Mayor of
48 any city or town through whose corporate ~~or extraterritorial~~
49 jurisdiction the transportation corridor passes.

50"

51 **SECTION 14.** G.S. 136-55.1 reads as rewritten:

1 "§ 136-55.1. Notice of abandonment.

2 ...

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

7 **SECTION 15.** G.S. 136-63 reads as rewritten:

8 "§ 136-63. Change or abandonment of roads.

9 ...

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

14 **SECTION 16.** G.S. 136-66.3 reads as rewritten:

15 "§ 136-66.3. Local government participation in improvements to the State transportation
16 system.

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

21"

22 **SECTION 17.** G.S. 143-138 reads as rewritten:

23 "§ 143-138. North Carolina State Building Code.

24 ...

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

1 with responsibility for enforcement of the Code institutes a civil action pursuant to G.S. 143-139,
2 a local government may not institute a civil action under G.S. 143-139, 153A-123, or 160A-175
3 based upon the same violation. Appeals from the assessment or imposition of such civil remedies
4 shall be as provided in G.S. 160A-434.

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

8"

9 **SECTION 18.** G.S. 143-215.1 reads as rewritten:

10 **"§ 143-215.1. Control of sources of water pollution; permits required.**

11 ...

12 (f) Local Permit Programs for Sewer Extension and Reclaimed Water Utilization. –
13 Municipalities, counties, local boards or commissions, water and sewer authorities, or groups of
14 municipalities and counties may establish and administer within their utility service areas their
15 own general permit programs in lieu of State permit required in G.S. 143-215.1(a)(2), (3), and
16 (8) above, for construction, operation, alteration, extension, change of proposed or existing sewer
17 system, subject to the prior certification of the Commission. For purposes of this subsection, the
18 service area of a municipality shall include only that area within the corporate limits of the
19 municipality and that area outside a municipality in its extraterritorial jurisdiction where sewer
20 service or a reclaimed water utilization system is already being provided by the municipality to
21 the permit applicant or connection to the municipal sewer system or a reclaimed water utilization
22 system is immediately available to the applicant; the service areas of counties and the other
23 entities or groups shall include only those areas where sewer service or a reclaimed water
24 utilization system is already being provided to the applicant by the permitting authority or
25 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 prior to the municipality's relinquishment of jurisdiction over the
29 area on or before January 1, 2020. No later than the 180th day after the receipt of a program and
30 statement submitted by any local government, commission, authority, or board the Commission
31 shall certify any local program that does all of the following:

32"

33 **SECTION 19.** G.S. 143-215.57 reads as rewritten:

34 **"§ 143-215.57. Procedures in issuing permits.**

35 ...

36 (b) In prescribing standards and requirements for the issuance of permits under this Part
37 and in issuing permits, local governments shall proceed as in the case of an ordinance for the
38 better government of the county or city as the case may be. A city may exercise the powers
39 granted in this Part ~~not only within its corporate boundaries but also within the area of its~~
40 ~~extraterritorial zoning jurisdiction boundaries.~~ A county may exercise the powers granted in this
41 Part at any place within the county that is outside the zoning jurisdiction of a city in the county.
42 ~~If a city does not exercise the powers granted in this Part in the city's extraterritorial zoning~~
43 ~~jurisdiction, the county may exercise the powers granted in this Part in the city's extraterritorial~~
44 ~~zoning jurisdiction.~~ The county may regulate territory within the zoning jurisdiction of any city
45 whose governing body, by resolution, agrees to the regulation. The governing body of a city may,
46 upon one year's written notice, withdraw its approval of the county regulations, and those
47 regulations shall have no further effect within the city's jurisdiction.

48"

49 **SECTION 20.** G.S. 153A-317.14 reads as rewritten:

50 **"§ 153A-317.14. Extension of economic development and training districts.**

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

3 ...

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

8"

9 **SECTION 21.** G.S. 160A-58.4 reads as rewritten:

10 **"§ 160A-58.4. Extraterritorial powers.**

11 Satellite corporate limits shall not be considered a part of the city's corporate limits for the
12 purposes of ~~extraterritorial land use regulation pursuant to G.S. 160A-360, or abatement of~~
13 ~~public health nuisances pursuant to G.S. 160A-193. However, a city's power to regulate land use~~
14 ~~pursuant to Chapter 160A, Article 19, or to abate public health nuisances pursuant to~~
15 ~~G.S. 160A-193, G.S. 160A-193 shall be the same within satellite corporate limits as within its~~
16 ~~primary corporate limits."~~

17 **SECTION 22.** G.S. 160A-176.1 reads as rewritten:

18 **"§ 160A-176.1. Ordinances effective in Atlantic Ocean.**

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

24"

25 **SECTION 23.** G.S. 160A-176.2 reads as rewritten:

26 **"§ 160A-176.2. Ordinances effective in Atlantic Ocean.**

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

32"

33 **SECTION 24.** G.S. 160A-199 reads as rewritten:

34 **"§ 160A-199. Regulation of outdoor advertising.**

35 ...

36 (m) This section does not apply to any ordinance in effect on the effective date of this
37 section. A city may amend an ordinance in effect on the effective date of this section to extend
38 application of the ordinance to off-premises outdoor advertising located in territory acquired by
39 ~~annexation or located in the extraterritorial jurisdiction of the city. annexation.~~ A city may repeal
40 or amend an ordinance in effect on the effective date of this section so long as the amendment to
41 the existing ordinance does not reduce the period of amortization in effect on the effective date
42 of this section.

43"

44 **SECTION 25.** G.S. 160A-296 reads as rewritten:

45 **"§ 160A-296. Establishment and control of streets; center and edge lines.**

46 ...

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

1"

2 **SECTION 26.** G.S. 160A-299 reads as rewritten:

3 **"§ 160A-299. Procedure for permanently closing streets and alleys.**

4 ...

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

11"

12 **SECTION 27.** G.S. 160A-340.2 reads as rewritten:

13 **"§ 160A-340.2. Exemptions.**

14 ...

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

19 ...

20 (3) The following service areas:

- 21 a. For the joint agency operated by the cities of Davidson and
22 Mooresville, the service area is the combined areas of the city of
23 Cornelius; the town of Troutman; the town of Huntersville; the
24 unincorporated areas of Mecklenburg County north of a line beginning
25 at Highway 16 along the west boundary of the county, extending
26 eastward along Highway 16, continuing east along Interstate 485, and
27 continuing eastward to the eastern boundary of the county along
28 Eastfield Road; and the unincorporated areas of Iredell County south
29 of Interstate 40, excluding the City of Statesville and the
30 extraterritorial jurisdiction of the City of Statesville. For purposes of
31 this sub-subdivision, the term "extraterritorial jurisdiction" means the
32 boundaries of the area over which the City of Statesville was
33 exercising extraterritorial planning jurisdiction under Article 19 of
34 Chapter 160A of the General Statutes prior to the City's relinquishment
35 of jurisdiction over the area on or before January 1, 2020.

36"

37 **SECTION 28.** G.S. 160A-366 reads as rewritten:

38 **"§ 160A-366. Validation of ordinance.**

39 Any city ordinance regularly adopted before January 1, 1972, under authority of general laws
40 revised and reenacted in Chapter 160A, Article 19, or under authority of any city charter or local
41 act concerning the same subject matter, is validated with respect to its application within the
42 corporate limits of the city ~~and as to its application within the extraterritorial jurisdiction of the~~
43 city. Such an ordinance, and any city ordinance adopted since January 1, 1972, under authority
44 of general laws revised and reenacted in Chapter 160A, Article 19, are hereby validated,
45 notwithstanding the fact that such ordinances were not recorded pursuant to G.S. 160A-360(b)
46 or ~~160A-364~~ and ~~notwithstanding the fact that the adopting city council did not also adopt an~~
47 ~~ordinance defining or delineating by specific description the areas within its extraterritorial~~
48 ~~jurisdiction pursuant to G.S. 160A-360; G.S. 160A-364;~~ provided that this ~~aet-section~~ shall be
49 deemed to validate ordinances of cities in Mecklenburg County only with respect to their
50 application within the corporate limits of such cities."

51 **SECTION 29.** G.S. 160A-383.4 reads as rewritten:

1 **"§ 160A-383.4. Local energy efficiency incentives.**

2 (a) Land-Use Development Incentives. – Counties and municipalities, for the purpose of
3 reducing the amount of energy consumption by new development, and thereby promoting the
4 public health, safety, and welfare, may adopt ordinances to grant a density bonus, make
5 adjustments to otherwise applicable development requirements, or provide other incentives to a
6 developer or builder within the county or municipality ~~and its extraterritorial planning~~
7 ~~jurisdiction~~ if the developer or builder agrees to construct new development or reconstruct
8 existing development in a manner that the county or municipality determines, based on generally
9 recognized standards established for such purposes, makes a significant contribution to the
10 reduction of energy consumption.

11"

12 **SECTION 30.** G.S. 160A-459 reads as rewritten:

13 **"§ 160A-459. Stormwater control.**

14 ...

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

20
21 **PART III. LAW ENFORCEMENT**

22 **SECTION 31.** This act shall have no effect on the extraterritorial jurisdiction of law
23 enforcement officers as authorized in Chapter 77 of the General Statutes, G.S. 15A-402, 20-38.2,
24 160A-286, or any local act or provision of general law.

25
26 **PART IV. EFFECTIVE DATE**

27 **SECTION 32.** The headings to the parts of this act are a convenience to the reader
28 and are for reference only. The headings do not expand, limit, or define the text of this act.

29 **SECTION 33.** This act becomes effective January 1, 2020.