

# Local Government

See full summary documents for additional detail

## **H44 - Local Government Regulatory Reform 2015, Secs. 13.1 through 13.4: Riparian Buffer Reform (SL 2015-246)**

Secs. 13.1 through 13.4 of S.L. 2015-246 amend the laws governing riparian buffers as follows:

- Limit the ability of local governments to enact, implement, and enforce riparian buffers.
- Direct the Environmental Management Commission to examine ways to provide regulatory relief from riparian buffers.
- Amend how riparian buffers for coastal wetlands are measured.
- Direct the Environmental Management Commission to provide for modifications of riparian buffer requirements on a case-by-case basis.

These sections became effective October 1, 2015.

[The remaining sections of S.L. 2015-246 that amend various laws related to local government are summarized in the LOCAL GOVERNMENT chapter.]

## **H44 - Local Government Regulatory Reform 2015 (SL 2015-246)**

S.L. 2015-246 amends various laws related to local government. See summaries in the LOCAL GOVERNMENT and ENVIRONMENT, NATURAL RESOURCES, AND ENERGY subjects for additional detail.

## **H44 - Local Government Regulatory Reform 2015, Sec. 1: Notice to Chronic Violators (SL 2015-246)**

Sec. 1 of S.L. 2015-246 consolidates G.S. 160A-200, the statute that generally grants municipalities the authority to give a chronic violator of the municipality's overgrown vegetation ordinance notice on an annual basis, with G.S. 160A-200.1, the statute that generally grants municipalities the same authority for chronic violators of the municipality's public nuisance ordinance.

This section became effective September 23, 2015.

**H44 - Local Government Regulatory Reform 2015, Sec. 1.5: Authorize Cities to Regulate Certain Structures That Unreasonably Restrict the Public's Right to Use the State's Ocean Beaches (SL 2015-246)**

Sec. 1.5 of S.L. 2015-246 authorizes a city to regulate, restrict, or prohibit the placement, maintenance, location or use, of structures that are uninhabitable and without water and sewer service for more than 120 days on the State's ocean beaches, upon notification of the owner of record by certified mail.

This section became effective September 23, 2015.

**H44 - Local Government Regulatory Reform 2015, Sec. 2: Prohibit Cities and Counties From Requiring Compliance with Voluntary Regulations and Rules Adopted by State Departments or Agencies (SL 2015-246)**

Sec. 2 of S.L. 2015-246 prohibits cities and counties from requiring compliance with rules or regulations that a State department or agency declares to be voluntary, unless the State department or agency mandates its enforcement as authorized by applicable general law.

This section became effective September 23, 2015.

**H44 - Local Government Regulatory Reform 2015, Sec 2.5: Local Public Health Maintenance of Effort Monies (SL 2015-246)**

Sec. 2.5 of S.L. 2015-246 repeals the statute that requires that in order for a local health department to be eligible to receive State and federal public health funding from the Division of Public Health in the Department of Health and Human Services, the county or counties comprising the local health department must maintain operating appropriations to local health departments from local property tax receipts at levels equal to amounts appropriated in State fiscal year 2010-2011.

This section becomes effective July 1, 2016.

**H44 - Local Government Regulatory Reform 2015, Sec. 3: Developments Located in the City and the County (SL 2015-246)**

Sec. 3 of S.L. 2015-246 provides that if a city's land use planning ordinance(s) applies to property lying outside the territorial limits of the city, the city and the property owner must certify that the application of those land use planning ordinances is not under coercion or otherwise based upon any representation by the city that the city would withhold approval for land use planning without the property owner's consent to the application of the land use planning ordinance(s).

This section became effective September 23, 2015.

#### **H44 - Local Government Regulatory Reform 2015, Sec. 4: Regulation of Signage (SL 2015-246)**

Sec. 4 of S.L. 2015-246, amends the zoning and regulation of development statutes for cities and counties to provide that fence wraps displaying signage are exempt from zoning regulation pertaining to signage when they are affixed to perimeter fencing at a construction site until the certificate of occupancy is issued for the final portion of any construction at that site or 24 months from the time the fence wrap was installed, whichever is shorter. After 24 months, cities and counties can regulate the signage but must continue to allow fence wrapping materials to be affixed to the perimeter fencing. Fence wraps are prohibited from displaying any advertising other than advertising sponsored by a person directly involved in the construction project and from displaying any paid advertising.

This section became effective September 23, 2015.

#### **H44 - Local Government Regulatory Reform 2015, Sec. 5: Permit Choice (SL 2015-246)**

Currently under G.S. 143-755, if a permit applicant submits a permit for any type of development, and a rule or ordinance changes between the time the application was submitted and the time the decision on the application is made, the applicant may choose which version of the rule or ordinance will apply to the permit. This provision applies to all development permits issued by the State and by local governments, except zoning permits. Sec. 5 of S.L. 2015-246 amends G.S. 143-755 to apply to zoning permits as well.

This section became effective September 23, 2015, and applies to permits for which a permit decision has not been made by that date.

#### **H44 - Local Government Regulatory Reform 2015, Sec. 6: Preaudit Certifications (SL 2015-246)**

Obligations incurred by a local government subject to the Local Government Budget and Fiscal Control Act and by a local board of education subject to the School Budget and Fiscal Control Act accounted for in a fund included in the budget ordinance may not be incurred unless the budget ordinance includes an appropriation authorizing the obligation and an unencumbered balance remains sufficient to pay in the current fiscal year for that amount. For written contracts, each must be certified by the finance officer, or a duly appointed deputy finance officer, to that effect, and is often called a "preaudit" certification. Sec. 6 of S.L. 2015-246 updates that statutory requirement to reflect advances in technology that allow for credit cards, gas cards, procurement cards, and other means of remitting payment for obligations.

This section became effective October 1, 2015, and applies to expenditures incurred on or after that date.

#### **H44 - Local Government Regulatory Reform 2015, Sec. 8: Local Regulation of Beehives (SL 2015-246)**

Sec. 8 of S.L. 2015-246 prevents a county, city, or other political subdivision of the State from adopting or continuing to enforce any ordinance or resolution that prohibits any person or entity from owning or possessing five or fewer beehives. A city can require that the hive be placed at ground level or securely attached to an anchor or stand, regulate placement of the hive on the parcel, and require removal of the hive if the owner no longer maintains the hive or if removal is necessary to protect the health, safety, and welfare of the public.

This section became effective September 23, 2015.

#### **H44 - Local Government Regulatory Reform 2015, Sec. 9: Leases of Property by Local Governments for Communication Towers (SL 2015-246)**

Counties and cities are authorized by G.S. 160A-272 to lease property owned by counties and cities for up to 10 years. Leases for terms of more than 10 years are treated as a sale of real property. G.S. 160A-272(c) authorizes the lease of property for the siting and operation of a renewable energy facility for up to 25 years. This section amends the statute to do both of the following:

- Increases the public notice of a proposed lease from 10 days to 30 days.
- Allows leases of property owned by the county or city for the siting and operation of a tower for a term of up to 25 years. A "tower" is any new or existing structure that is designed to support or is capable of supporting equipment used in the transmission or receipt of television broadcast signals, radio wave signals, or electromagnetic radio signals used in the provision of wireless communication service.

This section became effective September 23, 2015.

#### **H44 - Local Government Regulatory Reform 2015, Sec. 10: Local Review of Prototype Franchise Food Establishments (SL 2015-246)**

Sec. 10 of S.L. 2015-246 provides that if the Department of Health and Human Services has reviewed and approved the plan for a prototype franchised or chain food establishment, that approved plan may be used in any county of the State without further approval. Upon request of the owner or operator, the local health department may review and suggest revisions, but any proposed revisions could not be used as a condition of receiving any permit from the local health department, county, or city in which the facility is to be located.

This section became effective September 23, 2015.

#### **H44 - Local Government Regulatory Reform 2015, Sec. 12: Notice to Property Owners Prior to Construction (SL 2015-246)**

Sec. 12 of S.L. 2015-246 requires counties and cities to notify the property owners and adjacent property owners before the county or city begins any construction project. Notice must be in writing at least 15 days prior to beginning construction, except in any of the following circumstances:

- If the construction is an emergency repair, notice may be given by any means, including verbal.
- The property owner requests action of the county or city that requires construction activity.
- The property owner consents to less than 15 days notice.
- The notice is given in an open meeting of the county or city prior to the beginning of construction.

This section became effective October 1, 2015, and applies to construction commenced on or after that date.

#### **H44 - Local Government Regulatory Reform 2015, Sec. 16: Zoning Density Credits (SL 2015-246)**

G.S. 160A-381(a) authorizes cities to adopt zoning and development regulation ordinances. Currently, zoning ordinances may provide density credits or severable development rights for dedicated rights-of-way. This section requires zoning ordinances to do so.

This section became effective September 23, 2015.

#### **H44 - Local Government Regulatory Reform 2015, Sec. 18: Clarify Authority of Counties and Cities to Expand on Definition of Bedroom (SL 2015-246)**

Sec. 18 of S.L. 2015-246 prohibits counties and cities from adopting zoning regulations that use a more expansive definition of dwelling unit, bedroom, or sleeping unit than any definition in general law or in a rule adopted by a State agency.

This section became effective September 23, 2015.

#### **H44 - Local Government Regulatory Reform 2015, Sec. 19: Development Agreements (SL 2015-246)**

Local governments are authorized to enter into development agreements with developers if the property is at least 25 acres or more of developable property and the agreement is for a term of 20 years or less. An exception to the minimum size is granted for brownfields properties. A development agreement must be approved by the governing body of a local government by ordinance. This section removes the current size requirements and maximum term, and instead requires that the agreement be for a reasonable term

specified in the agreement. This section allows the development agreement to be incorporated into any planning, zoning, or subdivision ordinance adopted by the local government.

This section became effective October 1, 2015, and applies to development agreements entered into on or after that date.

### **H71 - Clarify County Commissioner Oath Filing (SL 2015-24)**

S.L. 2015-24 clarifies that the oath of office taken by a member of a board of county commissioners must be filed with the clerk to the board of commissioners.

This act became effective October 1, 2015.

### **H97 - 2015 Appropriations Act, Sec. 13.7: Spay/Neuter Program Revisions (SL 2015-241)**

Sec. 13.7 of S.L. 2015-241 makes the following revisions to the State's spay/neuter program:

Amends G.S. 19A-63, which specifies eligibility for reimbursement from State funds to city or county spay/neuter programs for low-income persons, as follows:

- Specifies that if the city or county chooses to contract with a third party for operation of a spay/neuter clinic, the third party must be a non-profit organization and the organization must contract with a local veterinarian (defined as a veterinarian practicing in the county or an adjacent county if no veterinarian is practicing in the county) to perform the spay/neuter procedures.
- Requires counties to provide an opportunity to participate in the spay/neuter program supported by State funds to all local veterinarians.
- Amends the definition of "low-income person" to 100% of the federal poverty level.
- Creates a new "Animal Shelter Support Fund" within the Animal Welfare Section of the Department of Agriculture and Consumer Services to reimburse local governments for expenses related to operation of a registered animal shelter upon the denial, suspension, or revocation of the shelter's registration or the occurrence of an unforeseen catastrophe at the shelter. Funding from the Animal Shelter Support Fund would have to be matched by a requesting local government with a match amount based on the economic development tier status of the county (a 1:3 match in tier one counties, a 1:2 match in tier two counties, and a 1:1 match in tier three counties).

This section became effective July 1, 2015.

### **H97 - 2015 Appropriations Act, Sec. 14.6.(n)-(o): Clarify Coastal County Authority Over Abandoned Vessels (SL 2015-241)**

Secs. 14.6.(n) and (o) of S.L. 2015-241 extend the authority over abandoned vessels to all 20 coastal counties covered by the Coastal Area Management Act. This authority had previously been granted to

certain coastal counties under various local acts of the General Assembly. The provision also defines an abandoned vessel.

These sections became effective July 1, 2015.

### **H97 - 2015 Appropriations Act, Sec. 29.17D: Stabilization of Funding for State Aid to Municipalities (SL 2015-241)**

Section 29.17D of S.L. 2015-241 does the following:

- Amends the statutes that pertain to allocation of funds to municipalities to base the State aid funding to municipalities on an appropriation from the General Assembly instead of a percentage of the tax imposed on motor fuels.
- Requires (i) the funds appropriated for State aid to municipalities to be used primarily for the resurfacing of streets within the corporate limits of the municipality and (ii) the Department of Transportation (DOT) to submit an annual report to the chairs of the Joint Legislative Transportation Oversight Committee by October 1 of each year detailing the uses by each municipality of State aid received during the preceding year.
- Provides that, for the 2015-2016 fiscal year only, DOT may submit the required report by November 1, 2015, instead of October 1, 2015.

This section became effective July 1, 2015.

### **H97 - 2015 Appropriations Act, Sec. 29.20: Utility Relocation (SL 2015-241)**

Sec. 29.20 of S.L. 2015-241 does the following:

- Increases the maximum population from 5,500 to 10,000 for municipalities in which the Department of Transportation must pay the nonbetterment cost for the relocation of water and sewer lines that are owned by the municipality and necessary to be relocated for a State transportation improvement project.
- Provides that municipalities with populations of greater than 10,000 must pay the following percentages of the nonbetterment cost for the relocation of water and sewer lines that are owned by the municipality and necessary to be relocated for a State transportation improvement project:
  - 25% of the cost with a population greater than 10,000, but less than 25,000.
  - 50% of the cost with a population of 25,000 or greater, but less than 50,000.
  - 100% of the cost with a population of 50,000 or greater.

This section becomes effective January 1, 2016, and applies to projects started on or after that date.

## **H97 - 2015 Appropriations Act, Sec. 15.16B Municipal Service Districts/Contracts with Private Agency/Taxes/Study (SL 2015-241)**

With respect to municipal service districts established by cities, Sec. 15.16B of S.L. 2015-241 does all of the following:

For all municipal service districts, the section requires the city to develop long-range plans and goals, set the tax rate in accordance with those plans and goals, and use the moneys collected for the purpose of those plans and goals. This provision becomes effective for tax imposed for taxable years beginning on or after January 1, 2016.

For municipal service districts created for historical districts, downtown revitalization, and urban revitalization, this section sets forth the following requirements on contracts with private agencies:

- Prior to entering into the contract the city must:
  - Solicit input from the residents and property owners as to the needs of the service district.
  - Use a bid process to determine which private agency is best suited to achieve the needs of the service district. If the city determines that a multiyear contract with a private agency is in the best interest of the city and the service district, the city may enter into a multiyear contract not to exceed five years in length.
  - Hold a public hearing.
- The city must require the private agency to report annually to the city, by presentation in a city council meeting and in written report, regarding the needs of the service district, completed projects, and pending projects.
- The contract is to specify the scope of services to be provided by the private agency. Any changes to the scope of services must be approved by the city council.

This provision became effective October 1, 2015, and applies to contracts entered into on or after that date.

Effective September 18, 2015, authorizes the Legislative Research Commission to study the feasibility of allowing property owners within a municipal service district to petition for removal from that municipal service district, and submit a report to the 2016 Regular Session of the 2015 General Assembly.

## **H97 - 2015 Appropriations Act, Sec. 29.5: Require County or Municipality to Pay Costs Associated with Requested Project Improvements (SL 2015-241)**

Sec. 29.5 of S.L. 2015-241 requires that pursuant to an agreement with the Department of Transportation, a county or municipality must reimburse the Department for the cost of all improvements requested by that county or municipality. Requests for safety enhancements or efforts to facilitate the flow of traffic are not considered improvements under this section unless the enhancement or effort is in excess of the standard required by law. Previously the law allowed a county or municipality to reimburse the Department but did not require it to do so.

This section became effective July 1, 2015, and applies to agreements entered into on or after that date.



## **H97 - 2015 Appropriations Act, Sec. 29.27A: Adjust Municipal Vehicle Tax (SL 2015-241)**

Sec. 29.27A of S.L. 2015-241 authorizes an annual municipal vehicle tax of \$30 per vehicle resident in the city or town and places any local authorizations under the \$30 cap. This section authorizes the tax for the following purposes:

- General purpose. Maximum \$5 for any lawful purpose.
- Public transportation. Maximum \$5 for financing, constructing, operating, and maintaining local public transportation systems if the municipality operates a public transportation system as defined in G.S. 105-550.
- Public streets. Any of the \$30 authorization remaining for maintaining, repairing, constructing, reconstructing, widening, or improving public streets that are not a State highway.

This section becomes effective July 1, 2016.

## **H154 - Local Governments in State Health Plan (SL 2015-112)**

S.L. 2015-112 makes local governments eligible to have their employees participate in the State Health Plan for Teachers and State Employees (State Health Plan) under specific conditions:

- The local government unit must pass a valid resolution expressing its desire to participate in the State Health Plan.
- The local government unit must enter into a memorandum of understanding with the State Health Plan.
- The local government unit must provide at least 90 days' notice to the State Health Plan prior to entry and complete these requirements at least 60 days prior to entry into the State Health Plan.
- The local government unit and its employees must meet the federal requirements to enter into a governmental plan and the State Health Plan has the right to refuse participation of the local government unit if its qualification as a governmental plan would be jeopardized.

The State Health Plan must admit any local government unit that meets the qualifications regardless of past claims experience or the financial impact to the State Health Plan. A local government unit must determine the eligibility of its employees and their dependents and what portion of the premiums employees will pay to the local government unit. Premiums for coverage and State Health Plan options will be the same as those offered to State employees and their dependents on a fully contributory basis. The local government unit must pay all premiums for covered individuals directly to the State Health Plan or its designee.

Enrollment in the State Health Plan by local government units is limited to 10,000 employees and dependents of employees, a number after which no additional local governments will be allowed to join Plan. Any local government that elects to participate must have fewer than 1,000 employees and dependents enrolled at the time of notice to the Plan of its desire to participate.

Local governments currently participating in the State Health Plan are authorized to elect to participate under these conditions. Local government units that to participate would also cease monthly contributions to the Retiree Health Benefit Fund. The Retiree Health Benefit Fund is a fund in which accumulated

contributions from employers and any earnings on those contributions must be used to provide health benefits to retired and disabled employees and their applicable beneficiaries.

This act also authorizes the Board of Directors of the Pioneer Springs Community School, a charter school, to elect to participate in the State Health Plan.

This act became effective June 24, 2015.

### **H168 - Exempt Builders' Inventory (SL 2015-223)**

S.L. 2015-223 exempts the increase in value of certain improvements to real property held for sale by a builder:

- For residential real property, a builder may exclude for 3 years the increase in value due to subdivision, improvements, and buildings that are either a new single-family residence or a duplex.
- For commercial property, a builder may exclude for 5 years the increase in value due to subdivision and improvements - excluding buildings.

To qualify as a builder, the property owner must be in the business of buying real property, making improvements to it, and then reselling it. The owner is not required to be licensed as a general contractor.

S.L. 2015-223 will become effective for taxes imposed for taxable years beginning on July 1, 2016, and apply to subdivision of or other improvements made on or after July 1, 2015.

### **H201 - Zoning Changes/Citizen Input (SL 2015-160)**

S.L. 2015-160 removes the qualified protest petition process and implements a mechanism for citizen input into proposed zoning ordinance amendments, changes, modifications, repeals, or supplementations.

This act became effective August 1, 2015, and applies to zoning ordinance changes adopted on or after that date.

### **H255 - Building Code Regulatory Reform (SL 2015-145)**

S.L. 2015-145 makes various changes to the laws relating to the State Building Code, including:

- Conforming work in progress inspection authority to recently enacted inspection limitations.
- Directing the Building Code Council to study the alternate methods approval process.
- Clarifying the definition of official misconduct for code officials.
- Raising the threshold for requirement of a building permit from \$5,000 to \$15,000.
- Creating a Residential Code Committee and a Building Code Committee within the Building Code Council to oversee the process by which the Council conducts revisions and to advise the Council on certain issues.
- Requiring internet posting of certain council decisions and interpretations.

- Clarifying that inspection fees collected by cities and counties can only be used to support the inspection department.
- Requiring that inspections be performed in full and in a timely manner and that inspection reports include all items failing to meet code requirements.
- Authorizing inspection and certification of components or elements of buildings by licensed architects or licensed engineers.
- Exempting certain commercial building projects from the requirement of a professional architectural seal.

This act became effective October 1, 2015.

### **H318 - Protect North Carolina Workers Act (SL 2015-294)**

S.L. 2015-294, as amended by Secs. 36.3 and 91.2 of S.L. 2015-264, makes the following changes:

- Effective October 1, 2015, and applying to contracts entered into on or after that date, requires E-Verify compliance by contractors and subcontractors with State and local governments, agencies, and institutions, with certain exceptions.
- Effective October 1, 2015, provides that (i) consulate or embassy documents or (ii) identity documents created by other entities, unless expressly authorized by the General Assembly to be used for identification, may not be used to determine identification or residency for law enforcement or other government purposes. If no other documentation is available, law enforcement may use identity documents created by other entities to assist in determining an individual's identity or residency.
- Prohibits counties and cities from adopting certain restrictions related to enforcement of federal immigration laws and gathering information related to citizenship or immigration status.
- Effective October 1, 2015, prohibits the Department of Health and Human Services from seeking certain work requirement waivers for food and nutrition benefits for able-bodied adults without dependents.

Except as otherwise provided, this act became effective October 29, 2015.

### **H346 - Counties/Public Trust Areas (SL 2015-70)**

S.L. 2015-70 authorizes counties to adopt ordinances to abate unreasonable restrictions of the public's right to use ocean beaches.

This act became effective June 11, 2015.

### **H538 - Water and Sewer Service Related Changes (SL 2015-207)**

S.L. 2015-207 does all of the following:

- Specifically authorizes water and sewer authorities created under Article 1 of Chapter 162A of the General Statutes to:

- Adopt ordinances concerning the regulation and control of water systems owned by the authority.
- Enter into reimbursement agreements with developers or property owners for design and construction of infrastructure.
- Offer and pay rewards up to \$5,000 for information leading to conviction of persons who willfully deface, damage, or destroy, or commit acts of vandalism or larceny of, authority property.
- Authorizes a county or city to pledge a security interest in an escrow account to secure repayment of certain economic development loans.
- Allows the Local Government Commission, until July 1, 2016, to authorize loans of up to 30 year terms for certain water projects.
- Requires all public wastewater systems and all community wastewater systems to provide for the collection of liquid condensate from residential heating and cooling systems.

This act became effective August 11, 2015.

#### **H544 - County Sign Ordinance in Cities (SL 2015-166)**

S.L. 2015-166 allows a city to require a county ordinance to adhere to the city's sign ordinance when the city chooses to enforce a county ordinance within the city.

This act became effective July 23, 2015.

#### **H553 - Ordinances Regulating Animals (SL 2015-192)**

S.L. 2015-192 prohibits cities and counties from adopting ordinances regulating standards of care for farm animals.

This act became effective August 5, 2015.

#### **H721 - Subdivision Ordinance/Land Development Changes (SL 2015-187)**

S.L. 2015-187 amends and clarifies the law regarding performance guarantees developers are required to provide to cities and counties to assure completion of required improvements to subdivided land. The act requires the developer to demonstrate reasonable, good faith progress toward completion of any improvements that are the subject of a performance guarantee or any extension thereof and caps the amount of any performance guarantee or extension at 125% of the reasonably estimated cost of completing the improvements.

This act became effective October 1, 2015, and applies to performance guarantees or extensions of performance guarantees issued on or after that date.

## **H797 - Alarm Registration Information Not Public Record (SL 2015-189)**

S.L. 2015-189 exempts from the definition of public record any registration or sensitive security information received or compiled by a city pursuant to an alarm registration ordinance.

This act became effective August 5, 2015.

## **H836 - Election Modifications (SL 2015-103)**

S.L. 2015-103 amends various laws relating to local government and elections as follows:

- Clarifies a city's retention of right, title, or interest in any improvements or easements within a closed street to specifically state that the easement may include utility, drainage, pedestrian, landscaping, conservation, or other easements considered by the city to be in the public interest.
- Repeals the license requirement for (i) going out of business sales; (ii) sales of good, wares, or merchandise damaged by fire, smoke, water, or otherwise; and (iii) distress sales.
- Permits county boards of election to submit all executed absentee ballots lists electronically in a manner approved by the State Board of Election, as an alternative to mailing the lists.
- Creates an exception allowing an official ballot that does not otherwise include the elements of an official ballot, if that ballot was created and printed by a voting system in the voting enclosure and certain requirements are met.
- Repeals the definition of the term "paper ballot" and redefines the term "ballot" to include the definition of paper ballot. Effective January 1, 2018, the use of voting systems that do not use or produce a ballot (as that term is redefined) are explicitly prohibited. Counties authorized to use direct-recording electronic voting machines (DRE) that used those machines on election day as of January 1, 2015, are permitted to continue using those DREs until September 1, 2019.
- Allows a city to hold a malt beverage or unfortified wine election if the county in which the city is located has held an unsuccessful malt beverage or unfortified wine election, the city has a population of 200 or more, and the county in which the city is located also contains three or more other cities that have previously voted to allow malt beverage and unfortified wine sales.
- Makes the following changes related to voter identification:
- Allows drivers' licenses and nonoperators' identification cards issued by the Division of Motor Vehicles to be expired for up to four years prior to being presented for voting.
- Requires voters who fail to present an eligible form of photo identification when voting at a one-stop voting location to be notified that until the deadline for submission of requests for absentee ballots, the voter has the option to complete a written request form for an absentee ballot at that one-stop voting location.
- Allows voters to vote a provisional ballot if the voter does not comply with the photo identification requirement due to a reasonable impediment that prevents the voter from obtaining photo identification. The voter must complete a reasonable impediment declaration form and present certain types of identification or provide the last four digits of the voter's social security number and the voter's date of birth.
- Removes the term limit requirement for members of the Alexander County Board of Education, effective January 1, 2016, and applies to elections conducted on or after that date.
- Broadens the authority of the State Board of Elections to certify voting systems.
- Requires electronic poll books to be certified by the State Board of Elections in order to be used in elections.

Except as otherwise provided, this act became effective June 22, 2015.

## **S2 - Magistrates Recusal for Civil Ceremonies (SL 2015-75)**

S.L. 2015-75 established procedures by which a magistrate may recuse himself or herself from performing all lawful marriages and an assistant or deputy register of deeds may recuse himself or herself from issuing all lawful marriage licenses, based upon a sincerely held religious objection. The recusal is for a minimum of six months and continues until the recusal is rescinded in writing. Officials so recusing themselves would not be subject to prosecution for failing to perform the duties imposed upon them by law.

Each register of deeds must ensure that all qualified applicants for marriage licenses are issued a license, and each chief district court judge must ensure that marriages performed by a magistrate are available to be performed during at least 10 hours per week over at least 3 business days.

S.L. 2015-75 also provides protection against loss of employment and retirement benefits for magistrates who resigned or were terminated from between October 6, 2014, and June 11, 2015, and who are subsequently reappointed to the position of magistrate within 90 days after June 11, 2015.

This act became effective June 11, 2015

## **S22 - Historic Artifact Management and Patriotism Act (SL 2015-170)**

S.L. 2015-170 does the following:

- Establishes laws for the handling, display, storage and retirement of both the United States and the North Carolina flags by State agencies and other political subdivisions of the State.
- Requires the Division of Veterans Affairs to establish a flag retirement program.
- Provides for the protection of certain monuments on public property by prohibiting their permanent removal and limiting the circumstances under which they may be relocated.
- Requires the Secretary of State to transfer the historical editions of the State Constitution and certain other documents to the Department of Cultural Resources.
- Requires the Department of Cultural Resources, in 2016, to arrange programs and public displays of the North Carolina and United States Constitutions and their amendments and related documents.

The requirement that the Secretary of State transfer certain documents to the Department of Cultural Resources became effective December 1, 2015. The remainder of this act became effective July 23, 2015.

## **S25 - Zoning/Design and Aesthetic Controls (SL 2015-86)**

S.L. 2015-86 prohibits cities and counties from adopting zoning ordinances that regulate building design elements of structures subject to regulation under the North Carolina Residential Code for One- and Two-Family Dwellings.

This act became effective June 19, 2015, and as the act clarifies and restates the intent of existing law, it applies to ordinances adopted before, on, or after that date.

### **S52 - Cities/Means For Activating Parking Meters (SL 2015-226)**

S.L. 2015-226 authorizes cities to provide for the activation of on-street parking meters by use of cash, credit cards, debit cards, or electronic means.

This act became effective August 25, 2015.

### **S82 - Vital Records Integrity Act (SL 2015-197)**

S.L. 2015-197 adds a new provision to the law governing the duties of registers of deeds in connection with the registration of certain documents purporting to impact official birth records. The new provision requires that the register of deeds mark the first page of the document with a statement that the document is not an official birth record.

This act became effective on August 5, 2015.

### **S119 - GSC Technical Corrections 2015, Sec. 56.2: Local Ordinances Regulating Energy Activities Invalid (SL 2015-264)**

Sec. 56.2 of S.L. 2015-264 amends the statute governing local regulation of oil and gas activities to prohibit local ordinances that regulate, or have the effect of regulating, oil and gas activities within a jurisdiction, and provides that ordinances that place any restriction or condition not placed by the statutes governing oil and gas activities and use of horizontal drilling or hydraulic fracturing for that purpose are invalid and unenforceable. Prior to enactment of this section of Senate Bill 119, the statute in question preempted local ordinances that prohibit, or have the effect of prohibiting, oil and gas activities within a jurisdiction. This provision is effective retroactively to June 4, 2014.

In addition, this section amends a statute that prohibits local ordinances that regulate, or have the effect of regulating, coal ash management activities, to clarify that such ordinances are "unenforceable," in addition to being invalid. This provision is effective retroactively to August 20, 2014.

### **S284 - Infrastructure Assessments/Extend Sunset (SL 2015-121)**

S.L. 2015-121 extends the sunset provision on the authority granted to counties and cities to use special assessments to address critical infrastructure needs for five years, from July 1, 2015, until July 1, 2020, and reduces the maximum allowable number of annual installments from 30 years to 25 years.

This act became effective June 30, 2015, and applies to assessments made on or after July 1, 2015.

### **S305 - NCEMPA Asset Sale (SL 2015-3)**

S.L. 2015-3 enacts legislative changes needed to effectuate the sale of the ownership interest in electric generation facilities of a municipal power agency to an investor-owned utility. The first part of the act provides cost recovery for a public utility that purchases generation assets from a municipal power agency. The second part of the act authorizes the municipal power agency to issue bonds to pay the difference in price paid for the assets and any outstanding amount owed on the assets. The second part of the act also makes other statutory changes necessary to allow the power agencies to enter into power purchase agreements to replace the electricity that had been provided through the ownership interest in the electric generation facilities.

This act became effective April 2, 2015.

### **S311 - Register of Deeds/Filing False Marriage Documents (SL 2015-53)**

S.L. 2015-53 adds a new provision to the law governing the duties of registers of deeds in connection with the registration of certain documents purporting to impact official marriage records, to require the register of deeds to mark the first page of the document with a statement that the document is not an official marriage document.

This act became effective June 4, 2015.

### **S332 - Register of Deeds-Power of Attorney Indexing Fees (SL 2015-227)**

S.L. 2015-227 imposes an additional fee of \$2 per entity to file an instrument with the register of deeds that includes the indexing of more than 20 entities.

This act became effective October 1, 2015.

### **S386 - Registers of Deeds/Uniform Commercial Code Recording Fees (SL 2015-206)**

S.L. 2015-206 recodifies the fee schedule for filing Uniform Commercial Code (UCC) records with registers of deeds without changing the fee schedule.

This act became effective October 1, 2015, and applies to instruments registered on or after that date.



### **S462 - Public Authorities/Nonprofit Corporations (SL 2015-122)**

S.L. 2015-122 authorizes a public authority to establish, control, and operate a nonprofit corporation that is created pursuant to the North Carolina Nonprofit Corporation Act (Chapter 55A of the General Statutes) and is a tax-exempt organization under the Internal Revenue Code.

This act became effective June 29, 2015.

### **S472 - Local Incentives for Historic Rehabilitation (SL 2015-277)**

S.L. 2015-277 authorizes cities and counties to make grants or loans for the rehabilitation of commercial or noncommercial historic structures, whether the structure is publicly or privately owned. The act also clarifies the language which authorizes cities and counties to make appropriations for economic development purposes, including requiring all appropriations have public hearings, comply with the Local Government Budget and Fiscal Control Act, and be reported in the annual financial report.

This act became effective October 20, 2015.

### **S541 - Regulate Transportation Network Companies (SL 2015-237)**

S.L. 2015-237 regulates transportation network companies (TNC) by requiring a State permit to operate, maintenance of liability insurance for cars, and background checks for drivers. The act imposes a \$5,000 application fee for the permit and a \$5,000 renewal fee. The act adds vehicles operated in a TNC service to the list of vehicles that can transport persons for compensation without a for-hire license plate.

This act became effective October 1, 2015.

### **S654 - Map Act/Clarifications (SL 2015-151)**

S.L. 2015-151 requires the Department of Transportation to defend, indemnify, and hold harmless the Wilmington Urban Area Metropolitan Planning Organization and its members for any claims arising out of its adoption, filing, or amendment of a corridor map; and makes conforming changes.

The indemnification language added by this act became effective July 16, 2015, and applies to maps filed, adopted, or amended before that date. The remainder of this act became effective July 16, 2015, and applies to maps filed, adopted, or amended before, on, or after that date.

**S682 - Modify Sunset Regarding Contingent Audits (SL 2015-109)**

S.L. 2015-109 makes permanent the prohibition, established in 2012, on local governments from using third-party contractors paid on a contingent fee basis for audit and assessment purposes.

This act became effective June 24, 2015.

**S699 - Protect Law Enforcement Officers Home Address/Other Information (SL 2015-225)**

S.L. 2015-225 exempts from disclosure certain personal information of sworn law enforcement officers who are employees of a county or city.

The act became effective October 1, 2015.