

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

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HOUSE BILL 1640
Committee Substitute Favorable 7/31/02
Committee Substitute #2 Favorable 9/5/02

Short Title: Duck/Manteo/Chowan County Local Amendments. (Local)

Sponsors:

Referred to:

June 13, 2002

A BILL TO BE ENTITLED

1 AN ACT TO INCLUDE THE TOWN OF DUCK AS A MUNICIPALITY
2 AUTHORIZED TO REGULATE AND CONTROL SWIMMING, PERSONAL
3 WATERCRAFT, SURFING, AND LITTERING IN THE ATLANTIC OCEAN
4 AND OTHER WATERWAYS ADJACENT TO THAT PORTION OF THE TOWN
5 WITHIN ITS BOUNDARIES OR WITHIN ITS EXTRATERRITORIAL
6 JURISDICTION; TO DESIGNATE THE TOWN COUNCIL OF THE TOWN OF
7 DUCK AS THE GOVERNING BODY OF THE DUCK AREA
8 BEAUTIFICATION DISTRICT; TO PERMIT THE TOWN OF MANTEO TO
9 DECREASE THE DISTANCE WITHIN WHICH A VEHICLE MAY PARK
10 FROM THE INTERSECTION OF CURB LINES; AND TO AMEND THE
11 DEFINITION OF SUBDIVISION AS IT APPLIES IN CHOWAN COUNTY.
12

13 The General Assembly of North Carolina enacts:

14 **SECTION 1.** G.S. 160A-176.2(b) reads as rewritten:

15 "(b) Subsection (a) of this section applies to the Towns of Atlantic Beach, Cape
16 Carteret, Carolina Beach, Caswell Beach, Duck, Emerald Isle, Holden Beach, Kill Devil
17 Hills, Kitty Hawk, Long Beach, Manteo, Nags Head, Ocean Isle Beach, Southern
18 Shores, Sunset Beach, Topsail Beach, Wrightsville Beach, and Yaupon Beach, and the
19 City of Southport only."

20 **SECTION 2.** Section 4 of Chapter 991 of the 1983 Session Laws, Regular
21 Session 1984, as amended by Section 23(a) of Chapter 646 of the 1995 Session Laws,
22 Regular Session 1996, reads as rewritten:

23 "**Sec. 4.** District Established; Tax Levy. If a majority of the qualified voters voting in
24 an election called under Section 1 of this act vote in favor of creating the Duck Area
25 Beautification District and authorizing the levy and collection of an ad valorem tax in
26 the district, the Dare County Board of Commissioners shall, upon receipt of a certified
27 copy of the election results, adopt a resolution creating the Duck Area Beautification
28 District and shall file a copy of the resolution with the clerk of superior court of Dare

1 County. ~~Upon establishing the Duck Area Beautification District, the Dare County~~
2 ~~Board of Commissioners~~ The Town Council of the Town of Duck may annually levy on
3 behalf of the district an ad valorem tax on all taxable property in the district in an
4 amount the ~~board~~ town council considers necessary to provide for the installation of
5 underground power lines, not to exceed ten cents (10¢) for each one hundred dollars
6 (\$100.00) taxable valuation of property. The proceeds of this tax shall be used only to
7 provide for the underground installation of power lines in the district."

8 **SECTION 3.** Section 5 of Chapter 991 of the 1983 Session Laws, Regular
9 Session 1984, reads as rewritten:

10 "Sec. 5. Nature of District; Governing Body. If created, the Duck Area
11 Beautification District shall be a body politic and corporate and shall have the power to
12 provide for the installation of underground power lines and do all acts reasonably
13 necessary to fulfill this purpose. The ~~Dare County Board of Commissioners~~ Town
14 Council of the Town of Duck shall serve, ex officio, as the governing body of the
15 district, and the officers of the ~~board of county commissioners~~ town council shall
16 likewise serve as the officers of the governing body of the district. A simple majority of
17 the governing body constitutes a quorum, and approval by a majority of those present is
18 sufficient to determine any matter before the governing body, if a quorum is present."

19 **SECTION 4.** Section 3 of S.L. 1993-610, as amended by S.L. 1995-101,
20 reads as rewritten:

21 "Sec. 3. Tax Levy. – If a majority of the qualified voters voting on the question in an
22 election called under Section 1 of this act vote in favor of authorizing the levy and
23 collection of ad valorem taxes in the district, the Dare County Board of Commissioners
24 may levy on behalf of the district the ad valorem tax on all taxable property in the
25 district in an amount the Board considers necessary to construct the sidewalks within
26 the district not to exceed five cents (5¢) for each one hundred dollars (\$100.00) taxable
27 valuation of property for two consecutive years beginning no later than the second fiscal
28 year that begins after the election, and thereafter the ~~Board~~ Town Council of the Town
29 of Duck may annually levy on behalf of the district an ad valorem tax in the amount
30 necessary to maintain the sidewalks but not to exceed one cent (1¢) for each one
31 hundred dollars (\$100.00) taxable valuation of property. The proceeds of these taxes
32 shall be used only to construct and maintain the sidewalks within the district."

33 **SECTION 5.** Section 4 of S.L. 1993-610 reads as rewritten:

34 "Sec. 4. Governing Body. – All matters relative to the construction and maintenance
35 of the sidewalks shall be decided by the ~~Dare County Board of Commissioners~~, Town
36 Council of the Town of Duck, which is the governing body of the Duck Area
37 Beautification District as provided in Chapter 991 of the 1983 Session Laws."

38 **SECTION 6.** Any Duck Area Beautification District tax levied by the Dare
39 County Board of Commissioners pursuant to Chapter 991 of the 1983 Session Laws,
40 Regular Session 1984, for the 2002 and prior tax years shall continue to be valid on and
41 after the effective date of this act.

42 **SECTION 7.** G.S. 20-162(a) reads as rewritten:

43 "(a) No person shall park a vehicle or permit it to stand, whether attended or
44 unattended, upon a highway in front of a private driveway or within 15 feet in either

1 direction of a fire hydrant or the entrance to a fire station, nor within 25 feet from the
2 intersection of curb lines or if none, then within 15 feet of the intersection of property
3 lines at an intersection of highways; provided, that local authorities may by ordinance
4 decrease the distance within which a vehicle may park in either direction of a fire
5 ~~hydrant.~~ hydrant or from the intersection of curb lines. The local authority may not
6 decrease the distance from the intersection of curb lines to less than 15 feet."

7 **SECTION 8.** G.S. 153A-335 reads as rewritten:

8 "**§ 153A-335. "Subdivision" defined.**

9 For purposes of this Part, "subdivision" means all divisions of a tract or parcel of
10 land into ~~two~~ three or more lots, building sites, or other divisions for the purpose of sale
11 or building development (whether immediate or future) and includes all division of land
12 involving the dedication of a new street or a change in existing streets; however, the
13 following is not included within this definition and is not subject to any regulations
14 enacted pursuant to this Part:

- 15 (1) The combination or recombination of portions of previously
16 subdivided and recorded lots if the total number of lots is not increased
17 and the resultant lots are equal to or exceed the standards of the county
18 as shown in its subdivision regulations;
- 19 (2) The division of land into parcels greater than 10 acres if no street
20 right-of-way dedication is involved;
- 21 (3) The public acquisition by purchase of strips of land for widening or
22 opening streets; and
- 23 (4) The division of a tract in single ownership the entire area of which is
24 no greater than two acres into not more than three lots, if no street
25 right-of-way dedication is involved and if the resultant lots are equal to
26 or exceed the standards of the county as shown by its subdivision
27 ~~regulations.~~ regulations;
- 28 (5) The gift of a parent of a single lot to his or her child or each of his or
29 her children where no new road is involved, provided:
 - 30 a. That each and every lot has dedicated right-of-way access to the
31 State-maintained road serving the principal parcel or direct
32 access to an approved private road as defined in the ordinance;
33 and
 - 34 b. There are no more than three such conveyances."

35 **SECTION 9.** Section 7 of this act shall apply to the Town of Manteo only.

36 **SECTION 10.** Section 8 of this act shall apply to the County of Chowan
37 only.

38 **SECTION 11.** Sections 2 through 6 of this act become effective January 1,
39 2003. The remainder of this act is effective when it becomes law.