

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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HOUSE BILL 44
Senate Agriculture/Environment/Natural Resources Committee Substitute Adopted
6/10/15

Short Title: Local Government Regulatory Reform 2015.

(Public)

Sponsors:

Referred to:

February 5, 2015

1 A BILL TO BE ENTITLED
2 AN ACT TO REFORM VARIOUS PROVISIONS OF THE LAW RELATED TO LOCAL
3 GOVERNMENT.

4 The General Assembly of North Carolina enacts:

5
6 **NOTICE TO CHRONIC VIOLATORS**

7 **SECTION 1.(a)** G.S. 160A-200 is repealed.

8 **SECTION 1.(b)** G.S. 160A-200.1 reads as rewritten:

9 "**§ 160A-200.1. Annual notice to chronic violators of public nuisance or overgrown**
10 **vegetation ordinance.**

11 (a) A city may notify a chronic violator of the city's public nuisance ordinance that, if
12 the violator's property is found to be in violation of the ordinance, the city shall, without further
13 notice in the calendar year in which notice is given, take action to remedy the violation, and the
14 expense of the action shall become a lien upon the property and shall be collected as unpaid
15 taxes.

16 (b) The notice shall be sent by registered or certified mail. When service is attempted
17 by registered or certified mail, a copy of the notice may also be sent by regular mail. Service
18 shall be deemed sufficient if the registered or certified mail is unclaimed or refused, but the
19 regular mail is not returned by the post office within 10 days after the mailing. If service by
20 regular mail is used, a copy of the notice shall be posted in a conspicuous place on the premises
21 affected. ~~A chronic violator is a person who owns property whereupon, in the previous calendar~~
22 ~~year, the city gave notice of violation at least three times under any provision of the public~~
23 ~~nuisance ordinance.~~

24 (c) A city may also give notice to a chronic violator of the city's overgrown vegetation
25 ordinance in accordance with this section.

26 (d) For purposes of this section, a chronic violator is a person who owns property
27 whereupon, in the previous calendar year, the city gave notice of violation at least three times
28 under any provision of the public nuisance ordinance."

29
30 **AUTHORIZE CITIES TO REGULATE CERTAIN STRUCTURES THAT**
31 **UNREASONABLY RESTRICT THE PUBLIC'S RIGHT TO USE THE STATE'S**
32 **OCEAN BEACHES**

33 **SECTION 1.5.** G.S. 160A-205 reads as rewritten:

34 "**§ 160A-205. Cities enforce ordinances within public trust areas.**



1 (a) Notwithstanding the provisions of G.S. 113-131 or any other provision of law, a city
2 may, by ordinance, define, prohibit, regulate, or abate acts, omissions, or conditions upon the
3 State's ocean beaches and prevent or abate any unreasonable restriction of the public's rights to
4 use the State's ocean beaches. In addition, a city may, in the interest of promoting the health,
5 safety, and welfare of the public, regulate, restrict, or prohibit the placement, maintenance,
6 location, or use of structures that are uninhabitable and without water and sewer services for
7 more than 120 days, as determined by the city with notice provided to the owner of record of
8 the determination by certified mail at the time of the determination, equipment, personal
9 property, or debris upon the State's ocean beaches. A city may enforce any ordinance adopted
10 pursuant to this section or any other provision of law upon the State's ocean beaches located
11 within or adjacent to the city's jurisdictional boundaries to the same extent that a city may
12 enforce ordinances within the city's jurisdictional boundaries. A city may enforce an ordinance
13 adopted pursuant to this section by any remedy provided for in G.S. 160A-175. For purposes of
14 this section, the term "ocean beaches" has the same meaning as in G.S. 77-20(e).

15 (b) Nothing in this section shall be construed to (i) limit the authority of the State or any
16 State agency to regulate the State's ocean beaches as authorized by G.S. 113-131, or common
17 law as interpreted and applied by the courts of this State; (ii) limit any other authority granted
18 to cities by the State to regulate the State's ocean beaches; (iii) deny the existence of the
19 authority recognized in this section prior to the date this section becomes effective; (iv) impair
20 the right of the people of this State to the customary free use and enjoyment of the State's ocean
21 beaches, which rights remain reserved to the people of this State as provided in G.S. 77-20(d);
22 (v) change or modify the riparian, littoral, or other ownership rights of owners of property
23 bounded by the Atlantic Ocean; or (vi) apply to the removal of permanent residential or
24 commercial structures and appurtenances thereto from the State's ocean ~~beaches~~beaches,
25 except as provided in subsection (a) of this section."
26

27 PROHIBIT CITIES AND COUNTIES FROM REQUIRING COMPLIANCE WITH 28 VOLUNTARY REGULATIONS AND RULES ADOPTED BY STATE DEPARTMENTS 29 OR AGENCIES

30 SECTION 2.(a) Article 6 of Chapter 153A of the General Statutes is amended by
31 adding a new section to read as follows:

32 "§ 153A-145.3. Requiring compliance with voluntary State regulations prohibited.

33 (a) Unless otherwise expressly provided by general law, if a State department or agency
34 declares a regulation or rule voluntary and the person, group, or entity to whom the regulation
35 or rule applies may, but is not required to comply therewith, a county shall not require
36 compliance with the voluntary regulation or rule. The provisions of this section apply to all
37 voluntary regulations and rules adopted by a State department or agency, including voluntary
38 regulations or rules contained in the State Building Code or Energy Conservation Code. A
39 voluntary regulation or rule shall remain applicable on a voluntary basis unless the State
40 department or agency mandates its enforcement as authorized by applicable general law.

41 (b) This section shall apply to the following regulations and rules:

42 (1) Those currently in effect.

43 (2) Those repealed or otherwise expired.

44 (3) Those temporarily or permanently held in abeyance.

45 (4) Those enacted, but not yet effective."

46 SECTION 2.(b) Article 8 of Chapter 160A of the General Statutes is amended by
47 adding a new section to read as follows:

48 "§ 160A-205.1. Requiring compliance with voluntary State regulations prohibited.

49 (a) Unless otherwise expressly provided by general law, if a State department or agency
50 declares a regulation or rule voluntary and the person, group, or entity to whom the regulation
51 or rule applies may, but is not required to comply therewith, a city shall not require compliance

1 with the voluntary regulation or rule. The provisions of this section apply to all voluntary
2 regulations and rules adopted by a State department or agency, including voluntary regulations
3 or rules contained in the State Building Code or Energy Conservation Code. A voluntary
4 regulation or rule shall remain applicable on a voluntary basis unless the State department or
5 agency mandates its enforcement as authorized by applicable general law.

6 (b) This section shall apply to the following regulations and rules:

7 (1) Those currently in effect.

8 (2) Those repealed or otherwise expired.

9 (3) Those temporarily or permanently held in abeyance.

10 (4) Those enacted, but not yet effective."

11 LOCAL PUBLIC HEALTH MAINTENANCE OF EFFORT MONIES

12 **SECTION 2.5.(a)** G.S. 130A-34.4(a)(2) is repealed.

13 **SECTION 2.5.(b)** This section becomes effective July 1, 2016.

14 COUNTY CONTROL OF DEVELOPMENT

15 **SECTION 3.** G.S. 160A-360.1 reads as rewritten:

16 "§ 160A-360.1. Permit choice.

17 (a) If a rule or ordinance changes between the time a permit application is submitted
18 and a permit decision is made, then G.S. 143-755 shall apply.

19 (b) If an ordinance, or ordinances, under this Article applies to a development tract
20 lying partly within municipal corporate limits and partly within the county and more than fifty
21 percent (50%) of the tract is outside the municipal corporate limits, the owner of the
22 development tract may opt for one of the following:

23 (1) The application of all county land use planning ordinances under Article 18
24 of Chapter 153A of the General Statutes to the entire development tract. If
25 the owner opts for this option, no ordinance adopted under this Article by the
26 municipality shall apply to any portion of the development tract.

27 (2) The application of the ordinances adopted under this Article by the
28 municipality to the portion of the development tract within the municipal
29 corporate limits and any extraterritorial jurisdiction exercised by the
30 municipality, if applicable, and the application of the county land-use
31 planning ordinances under Article 18 of Chapter 153A of the General
32 Statutes to the remainder of the development tract.

33 (3) The application of the ordinances adopted under this Article by the
34 municipality to the portion of the development tract within the municipal
35 corporate limits and the application of the county land-use planning
36 ordinances under Article 18 of Chapter 153A of the General Statutes to the
37 remainder of the development tract, including that portion of the
38 development tract within the extraterritorial jurisdiction exercised by the
39 municipality."

40 WELL DRILLING CHANGES

41 **SECTION 3.5.(a)** G.S. 87-97 reads as rewritten:

42 "§ 87-97. Permitting, inspection, and testing of private drinking water wells.

43 (a) Mandatory Local Well Programs. – Each county, through the local health
44 department that serves the county, shall implement a private drinking water well permitting,
45 inspection, and testing program. Local health departments shall administer the program and
46 enforce the minimum well construction, permitting, inspection, repair, and testing requirements
47 set out in this Article and rules adopted pursuant to this Article. No person shall unduly delay

1 or refuse to permit a well that can be constructed or repaired and operated in compliance with
2 the requirements set out in this Article and rules adopted pursuant to this Article.

3 (a1) Use of Standard Forms. – Local well programs shall use the standard forms created
4 by the Department for all required submittals and shall not create their own forms ~~unless the~~
5 ~~local program submits a petition for rule making to the Environmental Management~~
6 ~~Commission, and the Commission by rule finds that conditions or circumstances unique to the~~
7 ~~area served by the local well program constitute a threat to public health that will be mitigated~~
8 ~~by use of a local form different from the form used by the Department.~~forms.

9 (b) Permit Required. – Except for those wells required to be permitted by the
10 Environmental Management Commission pursuant to G.S. 87-88, no person shall:

11 (1) Construct or assist in the construction of a private drinking water well unless
12 a construction permit has been obtained from the local health department.

13 (2) Repair or assist in the repair of a private drinking water well unless a repair
14 permit has been obtained from the local health department, except that a
15 permit shall not be required for the repair or replacement of a pump or tank.

16 (b1) Permit to Include Authorization for Electrical. – When a permit is issued under this
17 section, that permit shall also be deemed to include authorization for the installation,
18 construction, maintenance, or repair of electrical wiring, devices, appliances, or equipment by a
19 person certified as a well contractor under Article 7A of this Chapter when running electrical
20 wires from the well pump to the pressure switch. The local health department shall be
21 responsible for notifying the appropriate building inspector of the issuance of the well permit.

22 (c) Permit Not Required for Maintenance or Pump Repair or Replacement. – A repair
23 permit shall not be required for any private drinking water well maintenance work that does not
24 involve breaking or opening the well seal. A repair permit shall not be required for any private
25 drinking water well repair work that involves only the repair or replacement of a pump or tank.

26 (d) Well Site Evaluation. – The local health department shall conduct a field
27 investigation to evaluate the site on which a private drinking water well is proposed to be
28 located before issuing a permit pursuant to this section. The field investigation shall determine
29 whether there is any abandoned well located on the site, and if so, the construction permit shall
30 be conditioned upon the proper closure of all abandoned wells located on the site in accordance
31 with the requirements of this Article and rules adopted pursuant to this Article. If a private
32 drinking water well is proposed to be located on a site on which a wastewater system subject to
33 the requirements of Article 11 of Chapter 130A of the General Statutes is located or proposed
34 to be located, the application for a construction permit shall be accompanied by a plat or site
35 plan, as defined in G.S. 130A-334.

36 If the well location marked on the map submitted with an application to a local well
37 program is also marked with a stake or similar marker on the property, then the local well
38 program may not require the contractor to be on site during the on-site predrill inspection, as
39 long as the contractor is available by telephone to answer questions.

40 (e) Issuance of Permit. – Within 30 days of receipt of an application to construct or
41 repair a well, a local health department shall make a determination whether the proposed
42 private drinking water well can be constructed or repaired and operated in compliance with this
43 Article and rules adopted pursuant to this Article and shall issue a permit or denial accordingly.
44 If a local health department fails to act within 30 days, the permit shall automatically be issued,
45 and the local health department may challenge issuance of the permit as provided in Chapter
46 150B of the General Statutes. The local health department may impose any conditions on the
47 issuance of a construction permit or repair permit that it determines to be necessary to ensure
48 compliance with this Article and rules adopted pursuant to this Article. Notwithstanding any
49 other provision of law, no permit for a well that is in compliance with this Article and the rules
50 adopted pursuant to this Article shall be denied on the basis of a local government policy that
51 discourages or prohibits the drilling of new wells. If the local government policy mandates that

1 improved property be connected to a public water system, the local government shall determine
2 at the time of application and prior to issuance of the permit whether the improved property
3 will be served by the public water system or the well that is the subject of the permit
4 application.

5 (e1) Notice for Wells at Contamination Sites. – The Commission shall adopt rules
6 governing permits issued for private drinking water wells for circumstances in which the local
7 health department has determined that the proposed site for a private drinking water well is
8 located within 1,000 feet of a known source of release of contamination. Rules adopted
9 pursuant to this subsection shall provide for notice and information of the known source of
10 release of contamination and any known risk of issuing a permit for the construction and use of
11 a private drinking water well on such a site.

12 (f) Expiration and Revocation. – A construction permit or repair permit shall be valid
13 for a period of five years except that the local health department may revoke a permit at any
14 time if it determines that there has been a material change in any fact or circumstance upon
15 which the permit is issued. The foregoing shall be prominently stated on the face of the permit.
16 The validity of a construction permit or a repair permit shall not be affected by a change in
17 ownership of the site on which a private drinking water well is proposed to be located or is
18 located if the location of the well is unchanged and the well and the facility served by the well
19 remain under common ownership.

20 (f1) Chlorination of the Well. – Upon completion of construction of a private drinking
21 water well, the well shall be sterilized in accordance with the standards of drinking water wells
22 established by the United States Public Health Service.

23 (g) Certificate of Completion. – Upon completion of construction of a private drinking
24 water well or repair of a private drinking water well for which a permit is required under this
25 section, the local health department shall inspect the well to determine whether it was
26 constructed or repaired in compliance with the construction permit or repair permit. If the local
27 health department determines that the private drinking water well has been constructed or
28 repaired in accordance with the requirements of the construction permit or repair permit, the
29 construction and repair requirements of this Article, and rules adopted pursuant to this Article,
30 the local health department shall issue a certificate of completion. No person shall place a
31 private drinking water well into service without first having obtained a certificate of
32 completion. No person shall return a private drinking water well that has undergone repair to
33 service without first having obtained a certificate of completion.

34 (h) Drinking Water Testing. – Within 30 days after it issues a certificate of completion
35 for a newly constructed private drinking water well, the local health department shall test the
36 water obtained from the well or ensure that the water obtained from the well has been sampled
37 and tested by a certified laboratory in accordance with rules adopted by the Commission for
38 Public Health. The water shall be tested for the following parameters: arsenic, barium,
39 cadmium, chromium, copper, fluoride, lead, iron, magnesium, manganese, mercury, nitrates,
40 nitrites, selenium, silver, sodium, zinc, pH, and bacterial indicators.

41 (i) Commission for Public Health to Adopt Drinking Water Testing Rules. – The
42 Commission for Public Health shall adopt rules governing the sampling and testing of well
43 water and the reporting of test results. The rules shall allow local health departments to
44 designate third parties to collect and test samples and report test results. The rules shall also
45 provide for corrective action and retesting where appropriate. The Commission for Public
46 Health may by rule require testing for additional parameters, including volatile organic
47 compounds, if the Commission makes a specific finding that testing for the additional
48 parameters is necessary to protect public health. If the Commission finds that testing for certain
49 volatile organic compounds is necessary to protect public health and initiates rule making to
50 require testing for certain volatile organic compounds, the Commission shall consider all of the
51 following factors in the development of the rule: (i) known current and historic land uses

1 around well sites and associated contaminants; (ii) known contaminated sites within a given
2 radius of a well and any known data regarding dates of contamination, geology, and other
3 relevant factors; (iii) any GIS-based information on known contamination sources from
4 databases available to the Department of Environment and Natural Resources; and (iv) visual
5 on-site inspections of well sites. In addition, the rules shall require local health departments to
6 educate citizens for whom new private drinking water wells are constructed and for citizens
7 who contact local health departments regarding testing an existing well on all of the following:

- 8 (1) The scope of the testing required pursuant to this Article.
- 9 (2) Optional testing available pursuant to this Article.
- 10 (3) The limitations of both the required and optional testing.
- 11 (4) Minimum drinking water standards.

12 (j) Test Results. – The local health department shall provide test results to the owner of
13 the newly constructed private drinking water well and, to the extent practicable, to any
14 leaseholder of a dwelling unit or other facility served by the well at the time the water is
15 sampled. The local health department shall include with any test results provided to an owner
16 of a private drinking water well, information regarding the scope of the required and optional
17 testing as established by rules adopted pursuant to subsection (i) of this section.

18 (k) Registry of Permits and Test Results. – Each local health department shall maintain
19 a registry of all private drinking water wells for which a construction permit or repair permit is
20 issued that is searchable by address or addresses served by the well. The registry shall specify
21 the physical location of each private drinking water well and shall include the results of all tests
22 of water from each well. The local health department shall retain a record of the results of all
23 tests of water from a private drinking water well until the well is properly closed in accordance
24 with the requirements of this Article and rules adopted pursuant to this Article.

25 (l) Authority Not Limited. – This section shall not be construed to limit any authority
26 of local boards of health, local health departments, the Department of Health and Human
27 Services, or the Commission for Public Health to protect public health."

28 **SECTION 3.5.(b)** This section is effective October 1, 2015, and applies to permits
29 issued on or after that date.

30 31 **REGULATION OF SIGNAGE**

32 **SECTION 4.(a)** G.S. 153A-340 is amended by adding a new subsection to read:

33 "(l) Fence wraps displaying signage, when affixed to perimeter fencing at a construction
34 site prior to the issuance of a certificate of occupancy are exempt from zoning regulation
35 pertaining to signage under this Article."

36 **SECTION 4.(b)** G.S. 160A-381 is amended by adding a new subsection to read:

37 "(h) Fence wraps displaying signage, when affixed to perimeter fencing at a construction
38 site prior to the issuance of a certificate of occupancy are exempt from zoning regulation
39 pertaining to signage under this Article."

40 41 **PERMIT CHOICE**

42 **SECTION 5.(a)** G.S. 143-755 reads as rewritten:

43 "**§ 143-755. Permit choice.**

44 (a) If a permit applicant submits a permit application for any type of development and a
45 rule or ordinance changes between the time the permit application was submitted and a permit
46 decision is made, the permit applicant may choose which version of the rule or ordinance will
47 apply to the permit.

48 (b) This section applies to all development permits issued by the State and by local
49 governments.

50 (c) ~~This section shall not apply to any zoning permit.~~"

1 **SECTION 5.(b)** This section is effective when this act becomes law and applies to
2 permits for which a permit decision has not been made by that date.

3
4
5 **PREAUDIT CERTIFICATIONS**

6 **SECTION 6.(a)** G.S. 159-28 reads as rewritten:

7 **"§ 159-28. Budgetary accounting for appropriations.**

8 (a) Incurring Obligations. – No obligation may be incurred in a program, function, or
9 activity accounted for in a fund included in the budget ordinance unless the budget ordinance
10 includes an appropriation authorizing the obligation and an unencumbered balance remains in
11 the appropriation sufficient to pay in the current fiscal year the sums obligated by the
12 transaction for the current fiscal year. No obligation may be incurred for a capital project or a
13 grant project authorized by a project ordinance unless that project ordinance includes an
14 appropriation authorizing the obligation and an unencumbered balance remains in the
15 appropriation sufficient to pay the sums obligated by the transaction. Nothing in this section
16 shall require a contract to be reduced to writing.

17 (a1) Preaudit Requirement. – If an obligation is evidenced by reduced to a written
18 contract or written agreement requiring the payment of money—money, or is evidenced by a
19 written purchase order for supplies and materials, the written contract, agreement, or purchase
20 order shall include on its face a certificate stating that the instrument has been preaudited to
21 assure compliance with this subsection unless the obligation or a document related to the
22 obligation has been approved by the Local Government Commission, in which case no
23 certificate shall be required. (a) of this section. The certificate, which shall be signed by the
24 finance officer—officer, or any deputy finance officer approved for this purpose by the
25 governing board, shall take substantially the following form:

26 "This instrument has been preaudited in the manner required by the Local Government
27 Budget and Fiscal Control Act.

28
29 _____
 (Signature of finance officer)."

30 ~~Certificates in the form prescribed by G.S. 153-130 or 160-411 as those sections read on June~~
31 ~~30, 1973, or by G.S. 159-28(b) as that section read on June 30, 1975, are sufficient until~~
32 ~~supplies of forms in existence on June 30, 1975, are exhausted.~~

33 (a2) Failure to Preaudit. – An obligation incurred in violation of this
34 subsection subsection (a) or (a1) of this section is invalid and may not be enforced. The finance
35 officer shall establish procedures to assure compliance with this subsection section, in
36 accordance with any rules adopted by the Local Government Commission.

37 (b) Disbursements. – When a bill, invoice, or other claim against a local government or
38 public authority is presented, the finance officer shall either approve or disapprove the
39 necessary disbursement. If the claim involves a program, function, or activity accounted for in
40 a fund included in the budget ordinance or a capital project or a grant project authorized by a
41 project ordinance, the finance officer may approve the claim only if both of the following
42 apply:

43 (1) ~~He~~ The finance officer determines the amount to be payable ~~and payable.~~

44 (2) The budget ordinance or a project ordinance includes an appropriation
45 authorizing the expenditure and either (i) an encumbrance has been
46 previously created for the transaction or (ii) an unencumbered balance
47 remains in the appropriation sufficient to pay the amount to be disbursed.

48 The finance officer may approve a bill, invoice, or other claim requiring disbursement from
49 an intragovernmental service fund or trust or agency fund not included in the budget ordinance,
50 only if the amount claimed is determined to be payable. A bill, invoice, or other claim may not
51 be paid unless it has been approved by the finance officer or, under subsection (c) of this

1 section, by the governing board. The finance officer shall establish procedures to assure
 2 compliance with this ~~subsection~~subsection, in accordance with any rules adopted by the Local
 3 Government Commission.

4 (c) Governing Board Approval of Bills, Invoices, or Claims. – The governing board
 5 may, as permitted by this subsection, approve a bill, invoice, or other claim against the local
 6 government or public authority that has been disapproved by the finance officer. ~~It~~The
 7 governing board may not approve a claim for which no appropriation appears in the budget
 8 ordinance or in a project ordinance, or for which the appropriation contains no encumbrance
 9 and the unencumbered balance is less than the amount to be paid. The governing board shall
 10 approve payment by formal resolution stating the board's reasons for allowing the bill, invoice,
 11 or other claim. The resolution shall be entered in the minutes together with the names of those
 12 voting in the affirmative. The chairman of the ~~board~~board, or some other member designated
 13 for this ~~purpose~~purpose, shall sign the certificate on the check or draft given in payment of the
 14 bill, invoice, or other claim. If payment results in a violation of law, each member of the board
 15 voting to allow payment is jointly and severally liable for the full amount of the check or draft
 16 given in payment.

17 (d) Payment. – A local government or public authority may not pay a bill, invoice,
 18 salary, or other claim except by any of the following methods:

19 (1) ~~a check~~Check or draft on an official ~~depository~~depository.

20 (2) ~~a bank~~Bank wire transfer from an official ~~depository~~depository.

21 (3) ~~or an electronic~~Electronic payment or an electronic funds transfer originated
 22 by the local government or public authority through an official depository.

23 (4) Cash, if the local government has adopted an ordinance authorizing the use
 24 of cash, and specifying the limits of the use of cash.

25 (d1) Except as provided in this ~~subsection~~section, each check or draft on an official
 26 depository shall bear on its face a certificate signed by the finance officer or a deputy finance
 27 officer approved for this purpose by the governing board (or signed by the chairman or some
 28 other member of the board pursuant to subsection (c) of this section). The certificate shall take
 29 substantially the following form:

30 "This disbursement has been approved as required by the Local Government Budget and
 31 Fiscal Control Act.

32 _____
 33 (Signature of finance officer)."

34 (d2) An electronic payment or electronic funds transfer ~~must~~shall be ~~subjected~~subject to
 35 the ~~pre-audit process~~preaudit process in accordance with this section and any rules
 36 adopted by the Local Government Commission. The rules so adopted shall address execution of
 37 the electronic payment or electronic funds transfer shall and how to indicate that the finance
 38 officer or duly appointed deputy finance officer has performed the pre-audit preaudit process as
 39 required by G.S. 159-28(a) in accordance with this section. A finance officer or duly appointed
 40 deputy finance officer shall be presumed in compliance with this section if the finance officer
 41 or duly appointed deputy finance officer complies with the rules adopted by the Local
 42 Government Commission.

43 ~~Certificates in the form prescribed by G.S. 153-131 or 160-411.1 as those sections read on June~~
 44 ~~30, 1973, or by G.S. 159-28(a) as that section read on June 30, 1975, are sufficient until~~
 45 ~~supplies in existence on June 30, 1975, are exhausted.~~

46 ~~No certificate is required on payroll checks or drafts on an imprest account in an official~~
 47 ~~depository, if the check or draft depositing the funds in the imprest account carried a signed~~
 48 ~~certificate.~~

49 ~~As used in this subsection, the term "electronic payment" means payment by charge card,~~
 50 ~~credit card, debit card, or by electronic funds transfer, and the term "electronic funds transfer"~~
 51 ~~means a transfer of funds initiated by using an electronic terminal, a telephone, a computer, or~~

1 ~~magnetic tape to instruct or authorize a financial institution or its agent to credit or debit an~~
2 ~~account.~~

3 (e) Penalties. – If an officer or employee of a local government or public authority
4 incurs an obligation or pays out or causes to be paid out any funds in violation of this section,
5 ~~he that officer or employee, and the sureties on his any official bond for that officer or~~
6 ~~employee, are liable for any sums so committed or disbursed. If the finance officer or any~~
7 ~~properly designated duly appointed~~ deputy finance officer gives a false certificate to any
8 contract, agreement, purchase order, check, draft, or other document, ~~he the finance officer or~~
9 ~~duly appointed deputy finance officer, and the sureties on his any official bond bond, are liable~~
10 for any sums illegally committed or disbursed thereby. The governing board shall determine,
11 by resolution, if payment from the official bond shall be sought and if the governing body will
12 seek a judgment from the finance officer or duly appointed deputy finance officer for any
13 deficiencies in the amount.

14 (f) The certifications required by subsections (a1) and (d) of this section shall not apply
15 to any of the following:

16 (1) An obligation or a document related to the obligation has been approved by
17 the Local Government Commission.

18 (2) Payroll expenditures, including all benefits for employees of the local
19 government.

20 (3) Electronic payments, as specified in rules adopted by the Local Government
21 Commission.

22 (g) As used in this section, the following terms shall have the following meanings:

23 (1) Electronic payment. – Payment by charge card, credit card, debit card, gas
24 card, procurement card, or electronic funds transfer.

25 (2) Electronic funds transfer. – A transfer of funds initiated by using an
26 electronic terminal, a telephone, a computer, or magnetic tape to instruct or
27 authorize a financial institution or its agent to credit or debit an account."

28 **SECTION 6.(b)** This section becomes effective July 1, 2015, and applies to
29 expenditures incurred on or after that date.

30 31 **BOARD OF TRANSPORTATION MAJORITY APPROVAL REQUIRED FOR** 32 **REDUCTION IN NUMBER OF LANES ON STATE ROAD LOCATED WITHIN A** 33 **MUNICIPALITY**

34 **SECTION 7.** G.S. 136-66.1 reads as rewritten:

35 **"§ 136-66.1. Responsibility for streets inside municipalities.**

36 (a) Responsibility for streets and highways inside the corporate limits of municipalities
37 is hereby defined as follows:

38 (1) The State Highway System. – The State highway system inside the corporate
39 limits of municipalities shall consist of a system of major streets and
40 highways necessary to move volumes of traffic efficiently and effectively
41 from points beyond the corporate limits of the municipalities through the
42 municipalities and to major business, industrial, governmental and
43 institutional destinations located inside the municipalities. The Department
44 of Transportation shall be responsible for the maintenance, repair,
45 improvement, widening, construction and reconstruction of this system.
46 These streets and highways within corporate limits are of primary benefit to
47 the State in developing a statewide coordinated system of primary and
48 secondary streets and highways. Each highway division shall develop an
49 annual work plan for maintenance and contract resurfacing, within their
50 respective divisions, consistent with the needs, inasmuch as possible, as
51 identified in the report developed in accordance with G.S. 136-44.3. In

1 developing the annual work plan, the highway division shall give
2 consideration to any special needs or information provided by the
3 municipalities within their respective divisions. The plan shall be made
4 available to the municipalities within the respective divisions upon request.

5 (2) The Municipal Street System. – In each municipality the municipal street
6 system shall consist of those streets and highways accepted by the
7 municipality which are not a part of the State highway system. The
8 municipality shall be responsible for the maintenance, construction,
9 reconstruction, and right-of-way acquisition for this system.

10 (3) Maintenance of State Highway System by Municipalities. – Any city or
11 town, by written contract with the Department of Transportation, may
12 undertake to maintain, repair, improve, construct, reconstruct or widen those
13 streets within municipal limits which form a part of the State highway
14 system, and may also, by written contract with the Department of
15 Transportation, undertake to install, repair and maintain highway signs and
16 markings, electric traffic signals and other traffic-control devices on such
17 streets. All work to be performed by the city or town under such contract or
18 contracts shall be in accordance with Department of Transportation
19 standards, and the consideration to be paid by the Department of
20 Transportation to the city or town for such work, whether in money or in
21 services, shall be adequate to reimburse the city or town for all costs and
22 expenses, direct or indirect, incurred by it in the performance of such work.
23 The city or town under contract with the Department shall develop an annual
24 work plan for maintenance of the State highway system consistent with the
25 needs, inasmuch as possible, as identified in the report developed in
26 accordance with G.S. 136-44.3. The annual work plan shall be submitted to
27 the respective division engineers and shall be mutually agreeable to both
28 parties.

29 (4) If the governing body of any municipality determines that it is in the best
30 interest of its citizens to do so, it may expend its funds for the purpose of
31 making any of the following improvements on streets that are within its
32 corporate limits and form a part of the State highway system:

- 33 a. Construction of curbing and guttering.
- 34 b. Adding of lanes for automobile parking.
- 35 c. Constructing street drainage facilities which may by reasonable
36 engineering estimates be attributable to that amount of surface water
37 collected upon and flowing from municipal streets which do not form
38 a part of the State highway system.
- 39 d. Constructing sidewalks.
- 40 e. Intersection improvements, if the governing body determines that
41 such improvements will decrease traffic congestion, improve safety
42 conditions, and improve air quality.

43 In exercising the authority granted herein, the municipality may, with the
44 consent of the Department of Transportation, perform the work itself, or it
45 may enter into a contract with the Department of Transportation to perform
46 such work. Any work authorized by this subdivision shall be financed
47 entirely by the municipality and be approved by the Department of
48 Transportation.

49 The cost of any work financed by a municipality under this subdivision
50 may be assessed against the properties abutting the street or highway upon
51 which such work was performed in accordance with the procedures of either

1 Article 10 of Chapter 160A of the General Statutes or any charter provisions
2 or local acts applicable to the particular municipality.

3 (b) Reduction of travel lanes to accommodate the addition of bike lanes within the
4 existing paved and marked travel lanes of any State highway system street or highway located
5 within a municipality shall be approved by a majority vote of the members of the Board of
6 Transportation."

7 8 LOCAL REGULATION OF BEEHIVES

9 SECTION 8. Article 55 of Chapter 106 of the General Statutes is amended by
10 adding a new section to read:

11 "§ 106-645. Limitations on local government regulation of beehives.

12 No county, city, or other political subdivision of the State shall adopt or continue in effect
13 any ordinance or resolution that prohibits any person or entity from owning or possessing five
14 or fewer beehives."

15 16 LEASES OF PROPERTY BY LOCAL GOVERNMENTS FOR COMMUNICATION 17 TOWERS

18 SECTION 9. G.S. 160A-272 reads as rewritten:

19 "§ 160A-272. Lease or rental of property.

20 (a) Any property owned by a city may be leased or rented for such terms and upon such
21 conditions as the council may determine, but not for longer than 10 years (except as otherwise
22 provided ~~herein~~) in subsection (b1) of this section) and only if the council determines that the
23 property will not be needed by the city for the term of the lease. In determining the term of a
24 proposed lease, periods that may be added to the original term by options to renew or extend
25 shall be included.

26 (a1) Property may be rented or leased only pursuant to a resolution of the council
27 authorizing the execution of the lease or rental agreement adopted at a regular council meeting
28 upon ~~40-30~~ days' public notice. Notice shall be given by publication describing the property to
29 be leased or rented, stating the annual rental or lease payments, and announcing the council's
30 intent to authorize the lease or rental at its next regular meeting.

31 (b) No public notice as required by subsection (a1) of this section need be given for
32 resolutions authorizing leases or rentals for terms of one year or less, and the council may
33 delegate to the city manager or some other city administrative officer authority to lease or rent
34 city property for terms of one year or less.

35 (b1) Leases for terms of more than 10 years shall be treated as a sale of property and may
36 be executed by following any of the procedures authorized for sale of real property.

37 (c) Notwithstanding subsection (b1) of this section, The ~~the~~ council may approve a lease
38 without treating that lease as a sale of property for any of the following reasons:

39 (1) ~~For~~ For the siting and operation of a renewable energy facility, as that term is
40 defined in G.S. 62-133.8(a)(7), for a term up to 25 years without treating the
41 lease as a sale of property and without giving notice by publication of the
42 intended lease-years.

43 (2) For the siting and operation of a tower, as that term is defined in
44 G.S. 146-29.2(a)(7), for communication purposes for a term up to 25 years."

45 46 LOCAL REVIEW OF PROTOTYPE FRANCHISE FOOD ESTABLISHMENTS

47 SECTION 10. G.S. 130A-248(e) reads as rewritten:

48 "(e) In addition to the fees under subsection (d) of this section, the Department may
49 charge a fee of two hundred fifty dollars (\$250.00) for plan review of plans for prototype
50 franchised or chain facilities for food establishments subject to this section. All of the fees
51 collected under this subsection may be used to support the State food, lodging, and institution

1 sanitation programs and activities under this Part. If the Department has reviewed and approved
2 the plan for a prototype franchised or chain facility for food establishment under this section,
3 that approved prototype plan may be used in any county in the State without additional
4 approval by a local health department if no material changes are made to the approved
5 prototype plan. At the request of the owner or operator, the local health department may review
6 and suggest revisions for a particular use of the approved prototype plan. Acceptance of any
7 suggested revision to the approved prototype plan by the local health department shall not be a
8 prerequisite or condition of the issuance of any permit by the local health department, county,
9 or city in which the facility for food establishment is to be located."

10 11 **NOTICE TO PROPERTY OWNERS PRIOR TO CONSTRUCTION**

12 **SECTION 12.(a)** Article 23 of Chapter 153A of the General Statutes is amended
13 by adding a new section to read:

14 **"§ 153A-457. Notice prior to construction.**

15 (a) A county shall notify the property owners and adjacent property owners prior to
16 commencement of any construction project by the county.

17 (b) Unless the construction is a repair of an emergency nature, notice shall be in writing
18 at least 30 days prior to the commencement of construction. If the construction is a repair of an
19 emergency nature, the notice may be given by any means, including verbal, that the county has
20 for contacting the property owner."

21 **SECTION 12.(b)** Article 21 of Chapter 160A of the General Statutes is amended
22 by adding a new section to read:

23 **"§ 160A-499.4 Notice prior to construction.**

24 (a) A city shall notify the property owners and adjacent property owners prior to
25 commencement of any construction project by the city.

26 (b) Unless the construction is a repair of an emergency nature, notice shall be in writing
27 at least 30 days prior to the commencement of construction. If the construction is a repair of an
28 emergency nature, the notice may be given by any means, including verbal, that the city has for
29 contacting the property owner."

30 **SECTION 12.(c)** This section becomes effective October 1, 2015, and applies to
31 construction commenced on or after that date.

32 33 **RIPARIAN BUFFER REFORM**

34 **SECTION 13.(a)** Part 1 of Article 21 of Chapter 143 of the General Statutes is
35 amended by adding a new section to read:

36 **"§ 143-214.18. Exemption to riparian buffer requirements for certain private properties** 37 **in the Neuse River and Tar-Pamlico River Basins.**

38 (a) Absent a requirement of federal law or an imminent threat to public health or safety,
39 15A NCAC 02B .0233 (Neuse River Basin: Nutrient Sensitive Waters Management Strategy:
40 Protection and Maintenance of Existing Riparian Buffers) and 15A NCAC 02B .0259
41 (Tar-Pamlico River Basin: Nutrient Sensitive Waters Management Strategy: Protection and
42 Maintenance of Existing Riparian Buffers) shall not apply to any tract of land that meets all of
43 the following criteria:

44 (1) The property is private property.

45 (2) Prior to August 1, 2000, the property was private property and was platted
46 and recorded in the register of deeds in the county where the property is
47 located.

48 (3) With the exception of 15A NCAC 02B .0233 and 15A NCAC 02B .0259,
49 the use of the property complies with the rules and other laws regulating and
50 applicable to that property.

1 (b) If a property described in subsection (a) of this section is converted to a use that
2 does not comply with subdivisions (1) and (3) of subsection (a) of this section, then 15A
3 NCAC 02B .0233 and 15A NCAC 02B .0259 shall apply.

4 (c) This section shall not apply to the area denoted by the United States Geological
5 Survey with the eight-digit cataloging unit 03020201 (Upper Neuse Sub-basin)."

6 **SECTION 13.(b)** This section becomes effective August 1, 2015.

7 **SECTION 14.(a)** Part 1 of Article 21 of Chapter 143 of the General Statutes is
8 amended by adding a new section to read:

9 **"§ 143-214.19. Delineation of protective riparian buffers for coastal wetlands in the Neuse**
10 **River and Tar-Pamlico River Basins.**

11 (a) The following definitions apply in this section:

12 (1) Coastal wetlands. – Any salt marsh or other marsh subject to regular or
13 occasional flooding by tides, including wind tides (whether or not the
14 tidewaters reach the marshland areas through natural or artificial
15 watercourses), provided this shall not include hurricane or tropical storm
16 tides.

17 (2) Marshlands. – The term has the same meaning as G.S. 113-229(n).

18 (b) If State law requires a protective riparian buffer for coastal wetlands and marshlands
19 in either the Neuse River Basin or the Tar-Pamlico River Basin, the coastal wetlands and
20 marshlands shall not be treated as part of the surface waters but instead shall be included in the
21 measurement of the protective riparian buffer. The protective riparian buffer for any of the
22 coastal wetlands or marshlands in the Neuse River Basin or the Tar-Pamlico River Basin shall
23 be delineated as follows:

24 (1) If the coastal wetlands or marshlands extend less than 50 feet from the high
25 normal water level or normal water level, as appropriate, and therefore
26 would not encompass a 50-foot area beyond the appropriate water level, then
27 the protective riparian buffer shall include all of the coastal wetlands and
28 marshlands and enough of the upland footage to equal a total of 50 feet from
29 the appropriate normal high water level or the normal water level measured
30 horizontally on a line perpendicular to the surface water.

31 (2) If the coastal wetlands or marshlands extend 50 feet or more from the
32 normal high water level or normal water level, as appropriate, then the
33 protective riparian buffer shall be the full width of the marshlands or coastal
34 wetlands up to the landward limit of the marshlands or coastal wetlands but
35 shall not extend beyond the landward limit of the marshlands or coastal
36 wetlands."

37 **SECTION 14.(b)** This section becomes effective October 1, 2015.

38 **SECTION 15.** The Environmental Review Commission, with the assistance of the
39 Department of Environment and Natural Resources, shall study the use of riparian buffers by
40 the State and local governments to protect water quality in the State. The Commission and
41 Department shall specifically examine how the regulatory burden imposed by riparian buffers
42 can be decreased while maintaining the protection of water quality in the State. In the conduct
43 of this study, the Commission and Department shall include various entities that implement or
44 are affected by the use of riparian buffers to protect water quality, including representatives of
45 State government, local governments, the development industry, the agriculture industry, the
46 forestry industry, and private property owners. The Commission shall report the results of the
47 study, including any legislative proposals, to the 2016 Regular Session of the 2015 General
48 Assembly.

50 ZONING DENSITY CREDITS

51 **SECTION 16.** G.S. 160A-381(a) reads as rewritten:

1 "(a) For the purpose of promoting health, safety, morals, or the general welfare of the
2 community, any city may adopt zoning and development regulation ordinances. These
3 ordinances may be adopted as part of a unified development ordinance or as a separate
4 ordinance. A zoning ordinance may regulate and restrict the height, number of stories and size
5 of buildings and other structures, the percentage of lots that may be occupied, the size of yards,
6 courts and other open spaces, the density of population, the location and use of buildings,
7 structures and land. The ordinance ~~may~~ shall provide density credits or severable development
8 rights for dedicated rights-of-way pursuant to G.S. 136-66.10 or G.S. 136-66.11."
9

10 **INSPECTIONS OF COMPONENTS OR ELEMENTS OF BUILDINGS CERTIFIED BY** 11 **LICENSED ARCHITECTS OR LICENSED ENGINEERS**

12 **SECTION 17.(a)** G.S. 153A-352 reads as rewritten:

13 **"§ 153A-352. Duties and responsibilities.**

14 (a) The duties and responsibilities of an inspection department and of the inspectors in
15 it are to enforce within the county's territorial jurisdiction State and local laws and local
16 ordinances and regulations relating to:

- 17 (1) The construction of buildings;
- 18 (2) The installation of such facilities as plumbing systems, electrical systems,
19 heating systems, refrigeration systems, and air-conditioning systems;
- 20 (3) The maintenance of buildings in a safe, sanitary, and healthful condition;
- 21 (4) Other matters that may be specified by the board of commissioners.

22 (a1) ~~These~~ The duties and responsibilities set forth in subsection (a) of this section
23 include receiving applications for permits and issuing or denying permits, making necessary
24 inspections, issuing or denying certificates of compliance, issuing orders to correct violations,
25 bringing judicial actions against actual or threatened violations, keeping adequate records, and
26 taking any other actions that may be required to adequately enforce the laws and ordinances
27 and regulations. The board of commissioners may enact reasonable and appropriate provisions
28 governing the enforcement of the laws and ordinances and regulations.

29 (b) Except as provided in G.S. 153A-364, a county may not adopt a local ordinance or
30 resolution or any other policy that requires regular, routine inspections of buildings or
31 structures constructed in compliance with the North Carolina Residential Code for One- and
32 Two-Family Dwellings in addition to the specific inspections required by the North Carolina
33 Building Code without first obtaining approval from the North Carolina Building Code
34 Council. The North Carolina Building Code Council shall review all applications for additional
35 inspections requested by a county and shall, in a reasonable manner, approve or disapprove the
36 additional inspections. This subsection does not limit the authority of the county to require
37 inspections upon unforeseen or unique circumstances that require immediate action.

38 (c) Notwithstanding the requirements of this Article, a county shall accept and approve,
39 without further responsibility to inspect, a design or other proposal for a component or element
40 in the construction of buildings from a licensed architect or licensed engineer provided all of
41 the following apply:

- 42 (1) The submission is completed under valid seal of the licensed architect or
43 licensed engineer.
- 44 (2) Field inspection of the installation or completion of construction is
45 performed by that licensed architect or licensed engineer.
- 46 (3) That licensed architect or licensed engineer provides the county with a
47 signed written document stating the component or element of the building so
48 inspected is in compliance with the North Carolina State Building Code or
49 the North Carolina Residential Code for One- and Two-Family Dwellings.

50 (d) Upon the acceptance and approval of a signed written document by the county as
51 required under subsection (c) of this section, the county, its inspection department, and the

1 inspectors shall be discharged and released from any duties and responsibilities imposed by this
2 Article with respect to the component or element in the construction of the building for which
3 the signed written document was submitted."

4 **SECTION 17.(b)** G.S. 153A-356 reads as rewritten:

5 **"§ 153A-356. Failure to perform duties.**

6 (a) If a member of an inspection department willfully fails to perform the duties
7 required of him by law, or willfully improperly issues a permit, or gives a certificate of
8 compliance without first making the inspections required by law, or willfully improperly gives
9 a certificate of compliance, he is guilty of a Class 1 misdemeanor.

10 (b) A member of the inspection department shall not be in violation of this section when
11 the county, its inspection department, or one of the inspectors accepted a signed written
12 document of compliance with the North Carolina State Building Code or the North Carolina
13 Residential Code for One- and Two-Family Dwellings from a licensed architect or licensed
14 engineer in accordance with G.S. 153A-352(c)."

15 **SECTION 17.(c)** G.S. 160A-412 reads as rewritten:

16 **"§ 160A-412. Duties and responsibilities.**

17 (a) The duties and responsibilities of an inspection department and of the inspectors
18 therein shall be to enforce within their territorial jurisdiction State and local laws relating to

19 (1) The construction of buildings and other structures;

20 (2) The installation of such facilities as plumbing systems, electrical systems,
21 heating systems, refrigeration systems, and air-conditioning systems;

22 (3) The maintenance of buildings and other structures in a safe, sanitary, and
23 healthful condition;

24 (4) Other matters that may be specified by the city council.

25 (a1) ~~These~~ The duties and responsibilities set forth in subsection (a) of this section shall
26 include the receipt of applications for permits and the issuance or denial of permits, the making
27 of any necessary inspections, the issuance or denial of certificates of compliance, the issuance
28 of orders to correct violations, the bringing of judicial actions against actual or threatened
29 violations, the keeping of adequate records, and any other actions that may be required in order
30 adequately to enforce those laws. The city council shall have the authority to enact reasonable
31 and appropriate provisions governing the enforcement of those laws.

32 (b) Except as provided in G.S. 160A-424, a city may not adopt a local ordinance or
33 resolution or any other policy that requires regular, routine inspections of buildings or
34 structures constructed in compliance with the North Carolina Residential Code for One- and
35 Two-Family Dwellings in addition to the specific inspections required by the North Carolina
36 Building Code without first obtaining approval from the North Carolina Building Code
37 Council. The North Carolina Building Code Council shall review all applications for additional
38 inspections requested by a city and shall, in a reasonable manner, approve or disapprove the
39 additional inspections. This subsection does not limit the authority of the city to require
40 inspections upon unforeseen or unique circumstances that require immediate action.

41 (c) Notwithstanding the requirements of this Article, a city shall accept and approve a
42 design or other proposal for a component or element in the construction of buildings from a
43 licensed architect or licensed engineer provided all of the following apply:

44 (1) The submission is completed under valid seal of the licensed architect or
45 licensed engineer.

46 (2) Field inspection of the installation or completion of construction is
47 performed by that licensed architect or licensed engineer.

48 (3) That licensed architect or licensed engineer provides the city with a signed
49 written document stating the component or element of the building so
50 inspected is in compliance with the North Carolina State Building Code or
51 the North Carolina Residential Code for One- and Two-Family Dwellings.

1 (d) Upon the acceptance and approval of a signed written document by the city as
2 required under subsection (c) of this section, the city, its inspection department, and the
3 inspectors shall be discharged and released from any duties and responsibilities imposed by this
4 Article with respect to the component or element in the construction of the building for which
5 the signed written document was submitted."

6 **SECTION 17.(d)** G.S. 160A-416 reads as rewritten:

7 "**§ 160A-416. Failure to perform duties.**

8 (a) If any member of an inspection department shall willfully fail to perform the duties
9 required of him by law, or willfully shall improperly issue a permit, or shall give a certificate of
10 compliance without first making the inspections required by law, or willfully shall improperly
11 give a certificate of compliance, he shall be guilty of a Class 1 misdemeanor.

12 (b) A member of the inspection department shall not be in violation of this section when
13 the city, its inspection department, or one of the inspectors accepted a signed written document
14 of compliance with the North Carolina State Building Code or the North Carolina Residential
15 Code for One- and Two-Family Dwellings from a licensed architect or licensed engineer in
16 accordance with G.S. 160A-412(c)."

17 18 **CLARIFY AUTHORITY OF COUNTIES AND CITIES TO EXPAND ON DEFINITION** 19 **OF BEDROOM**

20 **SECTION 18.(a)** G.S. 153A-346 reads as rewritten:

21 "**§ 153A-346. Conflict with other laws.**

22 (a) When regulations made under authority of this Part require a greater width or size of
23 yards or courts, or require a lower height of a building or fewer number of stories, or require a
24 greater percentage of a lot to be left unoccupied, or impose other higher standards than are
25 required in any other statute or local ordinance or regulation, the regulations made under
26 authority of this Part govern. When the provisions of any other statute or local ordinance or
27 regulation require a greater width or size of yards or courts, or require a lower height of a
28 building or a fewer number of stories, or require a greater percentage of a lot to be left
29 unoccupied, or impose other higher standards than are required by regulations made under
30 authority of this Part, the provisions of the other statute or local ordinance or regulation govern.

31 (b) When adopting regulations under this Part, a county may not use a definition of
32 dwelling unit, bedroom, or sleeping unit that is more expansive than any definition of the same
33 in another statute or in a rule adopted by a State agency."

34 **SECTION 18.(b)** G.S. 160A-390 reads as rewritten:

35 "**§ 160A-390. Conflict with other laws.**

36 (a) When regulations made under authority of this Part require a greater width or size of
37 yards or courts, or require a lower height of a building or fewer number of stories, or require a
38 greater percentage of a lot to be left unoccupied, or impose other higher standards than are
39 required in any other statute or local ordinance or regulation, regulations made under authority
40 of this Part shall govern. When the provisions of any other statute or local ordinance or
41 regulation require a greater width or size of yards or courts, or require a lower height of a
42 building or a fewer number of stories, or require a greater percentage of a lot to be left
43 unoccupied, or impose other higher standards than are required by the regulations made under
44 authority of this Part, the provisions of that statute or local ordinance or regulation shall govern.

45 (b) When adopting regulations under this Part, a city may not use a definition of
46 dwelling unit, bedroom, or sleeping unit that is more expansive than any definition of the same
47 in another statute or in a rule adopted by a State agency."

48 49 **DEVELOPMENT AGREEMENTS**

50 **SECTION 19.(a)** G.S. 153A-349.4 reads as rewritten:

1 **"§ 153A-349.4. Developed property must contain certain number of acres; criteria;**
2 **permissible durations of agreements.**

3 (a) A local government may enter into a development agreement with a developer for
4 the development of property as provided in this Part, ~~provided the property contains 25 acres or~~
5 ~~more of developable property (exclusive of wetlands, mandatory buffers, unbuildable slopes,~~
6 ~~and other portions of the property which may be precluded from development at the time of~~
7 ~~application). Part for developable property of any size, including property that is subject to an~~
8 ~~executed brownfields agreement pursuant to Part 5 of Article 9 of Chapter 130A of the General~~
9 ~~Statutes. Development agreements shall be of a reasonable term specified in the agreement,~~
10 ~~provided they may not be for a term exceeding 20 years.~~agreement.

11 (b) ~~Notwithstanding the acreage requirements of subsection (a) of this section, a local~~
12 ~~government may enter into a development agreement with a developer for the development of~~
13 ~~property as provided in this Part for developable property of any size (exclusive of wetlands,~~
14 ~~mandatory buffers, unbuildable slopes, and other portions of the property which may be~~
15 ~~precluded from development at the time of application), if the developable property that would~~
16 ~~be subject to the development agreement is subject to an executed brownfields agreement~~
17 ~~pursuant to Part 5 of Article 9 of Chapter 130A of the General Statutes. Development~~
18 ~~agreements shall be of a term specified in the agreement, provided they may not be for a term~~
19 ~~exceeding 20 years."~~

20 **SECTION 19.(b)** G.S. 160A-400.23 reads as rewritten:

21 **"§ 160A-400.23. Developed property must contain certain number of acres; criteria;**
22 **permissible durations of agreements.**

23 (a) A local government may enter into a development agreement with a developer for
24 the development of property as provided in this Part, ~~provided the property contains 25 acres or~~
25 ~~more of developable property (exclusive of wetlands, mandatory buffers, unbuildable slopes,~~
26 ~~and other portions of the property which may be precluded from development at the time of~~
27 ~~application). Part for developable property of any size, including property that is subject to an~~
28 ~~executed brownfields agreement pursuant to Part 5 of Article 9 of Chapter 130A of the General~~
29 ~~Statutes. Development agreements shall be of a reasonable term specified in the agreement,~~
30 ~~provided they may not be for a term exceeding 20 years.~~agreement.

31 (b) ~~Notwithstanding the acreage requirements of subsection (a) of this section, a local~~
32 ~~government may enter into a development agreement with a developer for the development of~~
33 ~~property as provided in this Part for developable property of any size (exclusive of wetlands,~~
34 ~~mandatory buffers, unbuildable slopes, and other portions of the property which may be~~
35 ~~precluded from development at the time of application), if the developable property that would~~
36 ~~be subject to the development agreement is subject to an executed brownfields agreement~~
37 ~~pursuant to Part 5 of Article 9 of Chapter 130A of the General Statutes. Development~~
38 ~~agreements shall be of a term specified in the agreement, provided they may not be for a term~~
39 ~~exceeding 20 years."~~

40 **SECTION 19.(c)** G.S. 153A-349.3 reads as rewritten:

41 **"§ 153A-349.3. Local governments authorized to enter into development agreements;**
42 **approval of governing body required.**

43 (a) A local government may establish procedures and requirements, as provided in this
44 Part, to consider and enter into development agreements with developers. A development
45 agreement must be approved by the governing body of a local government by ordinance.

46 (b) The development agreement may, by ordinance, be incorporated, in whole or in
47 part, into any planning, zoning, or subdivision ordinance adopted by the local government."

48 **SECTION 19.(d)** G.S. 160A-400.22 reads as rewritten:

49 **"§ 160A-400.22. Local governments authorized to enter into development agreements;**
50 **approval of governing body required.**

1 (a) A local government may establish procedures and requirements, as provided in this
2 Part, to consider and enter into development agreements with developers. A development
3 agreement must be approved by the governing body of a local government by ordinance.

4 (b) The development agreement may, by ordinance, be incorporated, in whole or in
5 part, into any planning, zoning, or subdivision ordinance adopted by the local government."

6 **SECTION 19.(e)** This section becomes effective October 1, 2015, and applies to
7 development agreements entered into on or after that date.

8 **SECTION 20.** If any provision of this act or its application is held invalid, the
9 invalidity does not affect other provisions or applications of this act that can be given effect
10 without the invalid provisions or application, and to this end the provisions of this act are
11 severable.

12 **SECTION 21.** Except as otherwise provided, this act is effective when it becomes
13 law.