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SENATE DRS45299-ST-27A (03/11)

Short Title: Local Government Reg Reform. (Public)

Sponsors: Senators Wade, Brock, and B. Jackson (Primary Sponsors).

Referred to:

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 **PROHIBIT CITIES AND COUNTIES FROM ADOPTING CERTAIN ORDINANCES**
7 **REGARDING THE GIVING AWAY OF ANIMALS**

8 SECTION 1.(a) G.S. 153A-127 reads as rewritten:

9 **"§ 153A-127. Abuse of animals.**

10 A county may by ordinance define and prohibit the abuse of animals. However, an
11 ordinance adopted under the authority of this section shall not prohibit the giving away of live
12 animals as a prize, as an inducement to enter a competition, or for any other purpose, unless the
13 activity regulated by the ordinance otherwise involves abuse of the animals in question."

14 SECTION 1.(b) G.S.160A-182 reads as rewritten:

15 **"§ 160A-182. Abuse of animals.**

16 A city may by ordinance define and prohibit the abuse of animals. However, an ordinance
17 adopted under the authority of this section shall not prohibit the giving away of live animals as
18 a prize, as an inducement to enter a competition, or for any other purpose, unless the activity
19 regulated by the ordinance otherwise involves abuse of the animals in question."

20
21 **PROHIBIT CITIES AND COUNTIES FROM REQUIRING COMPLIANCE WITH**
22 **VOLUNTARY REGULATIONS AND RULES ADOPTED BY STATE DEPARTMENTS**
23 **OR AGENCIES**

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

26 **"§ 153A-145.3. Requiring compliance with voluntary State regulations prohibited.**

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

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



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

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

COUNTY CONTROL OF DEVELOPMENT

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

"§ 160A-360.1. Permit choice.

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

(b) If an ordinance or ordinances under this Article apply to a development tract lying partly within municipal boundaries and partly within the county, the owner of the development tract may opt for the application of the county ordinances to the entire development tract, or for the application of the city ordinances to the portion of the development tract within the municipal boundaries and the application of the county ordinances to the remainder of the development tract."

REGULATION OF HOSPITAL SIGNAGE

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

"(l) A hospital or free-standing emergency room is exempt from zoning regulation under this Article pertaining to signage at the facility."

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

"(h) A hospital or free-standing emergency room is exempt from zoning regulation under this Article pertaining to signage at the facility."

PERMIT CHOICE

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

"§ 143-755. Permit choice.

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

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

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

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

PRE-AUDIT CERTIFICATIONS

SECTION 6.(a) G.S. 159-28 is amended by adding a new subsection to read:

"(f) This section shall not apply to disbursements for regular payroll and benefits."

SECTION 6.(b) This section becomes effective July 1, 2015, and applies to disbursements on or after that date.

REQUIRE CONSUMER PAYMENT FOR ELECTRICITY PROVIDED BY THE STATE, ANY LOCAL GOVERNMENT, OR ANY OTHER AGENCY OR POLITICAL

SUBDIVISION OF THE STATE AT AN ELECTRIC VEHICLE CHARGING STATION

SECTION 7.(a) Article 3B of Chapter 143 of the General Statutes is amended by adding a new section to read:

"§ 143-64.17L. Payment required at State-operated electric vehicle charging station.

The State, any local governments, and any other agencies and political subdivisions of the State shall charge the user of any electric vehicle charging station operated by them a fee in order to recover the cost of the electricity consumed, the cost of processing the user fee, and a proportionate cost of the operation and maintenance of the electric vehicle charging station."

SECTION 7.(b) G.S. 66-58(c) is amended by adding a new subdivision to read:

"(22) The sale of electricity at an electric vehicle charging station by the State, any local government, and any other agency or political subdivision of the State."

SECTION 7.(c) This section becomes effective October 1, 2015.

BOARD OF TRANSPORTATION SUPERMAJORITY APPROVAL REQUIRED FOR REDUCTION IN NUMBER OF LANES ON STATE ROAD LOCATED WITHIN A MUNICIPALITY

SECTION 8. G.S. 136-66.1 reads as rewritten:

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

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

- (1) The State Highway System. – The State highway system inside the corporate limits of municipalities shall consist of a system of major streets and highways necessary to move volumes of traffic efficiently and effectively from points beyond the corporate limits of the municipalities through the municipalities and to major business, industrial, governmental and institutional destinations located inside the municipalities. The Department of Transportation shall be responsible for the maintenance, repair, improvement, widening, construction and reconstruction of this system. These streets and highways within corporate limits are of primary benefit to the State in developing a statewide coordinated system of primary and secondary streets and highways. Each highway division shall develop an annual work plan for maintenance and contract resurfacing, within their respective divisions, consistent with the needs, inasmuch as possible, as identified in the report developed in accordance with G.S. 136-44.3. In developing the annual work plan, the highway division shall give consideration to any special needs or information provided by the municipalities within their respective divisions. The plan shall be made available to the municipalities within the respective divisions upon request.
- (2) The Municipal Street System. – In each municipality the municipal street system shall consist of those streets and highways accepted by the municipality which are not a part of the State highway system. The municipality shall be responsible for the maintenance, construction, reconstruction, and right-of-way acquisition for this system.
- (3) Maintenance of State Highway System by Municipalities. – Any city or town, by written contract with the Department of Transportation, may undertake to maintain, repair, improve, construct, reconstruct or widen those streets within municipal limits which form a part of the State highway system, and may also, by written contract with the Department of Transportation, undertake to install, repair and maintain highway signs and

1 markings, electric traffic signals and other traffic-control devices on such
 2 streets. All work to be performed by the city or town under such contract or
 3 contracts shall be in accordance with Department of Transportation
 4 standards, and the consideration to be paid by the Department of
 5 Transportation to the city or town for such work, whether in money or in
 6 services, shall be adequate to reimburse the city or town for all costs and
 7 expenses, direct or indirect, incurred by it in the performance of such work.
 8 The city or town under contract with the Department shall develop an annual
 9 work plan for maintenance of the State highway system consistent with the
 10 needs, inasmuch as possible, as identified in the report developed in
 11 accordance with G.S. 136-44.3. The annual work plan shall be submitted to
 12 the respective division engineers and shall be mutually agreeable to both
 13 parties.

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

- 18 a. Construction of curbing and guttering.
- 19 b. Adding of lanes for automobile parking.
- 20 c. Constructing street drainage facilities which may by reasonable
 21 engineering estimates be attributable to that amount of surface water
 22 collected upon and flowing from municipal streets which do not form
 23 a part of the State highway system.
- 24 d. Constructing sidewalks.
- 25 e. Intersection improvements, if the governing body determines that
 26 such improvements will decrease traffic congestion, improve safety
 27 conditions, and improve air quality.

28 In exercising the authority granted herein, the municipality may, with the
 29 consent of the Department of Transportation, perform the work itself, or it
 30 may enter into a contract with the Department of Transportation to perform
 31 such work. Any work authorized by this subdivision shall be financed
 32 entirely by the municipality and be approved by the Department of
 33 Transportation.

34 The cost of any work financed by a municipality under this subdivision
 35 may be assessed against the properties abutting the street or highway upon
 36 which such work was performed in accordance with the procedures of either
 37 Article 10 of Chapter 160A of the General Statutes or any charter provisions
 38 or local acts applicable to the particular municipality.

39 (b) Reduction of travel lanes to accommodate the addition of bike lanes within the
 40 existing paved and marked travel lanes of any State highway system street or highway located
 41 within a municipality shall be approved by a vote of two-thirds of all the members of the Board
 42 of Transportation."

43
 44 **LOCAL REGULATION OF BEE HIVES**

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

47 **"§ 106-645. Limitations on local government regulation of bee hives.**

48 No county, city, or other political subdivision of the State shall adopt or continue in effect
 49 any ordinance or resolution that prohibits any person or entity from owning or possessing five
 50 or fewer bee hives."

1 **LEASES OF PROPERTY BY LOCAL GOVERNMENTS FOR COMMUNICATION**
2 **TOWERS**

3 **SECTION 10.** G.S. 160A-272 is amended by adding a new subsection to read:

4 "(d) The council may approve a lease for the siting and operation of a tower, as that term
5 is defined in G.S. 146-29.2(a)(7), for communication purposes for a term up to 25 years
6 without treating the lease as a sale of property and without giving notice by publication of the
7 intended lease."

8
9 **LOCAL REVIEW OF PROTOTYPE FRANCHISE FOOD ESTABLISHMENTS**

10 **SECTION 11.** G.S. 130A-248(e) reads as rewritten:

11 "(e) In addition to the fees under subsection (d) of this section, the Department may
12 charge a fee of two hundred fifty dollars (\$250.00) for plan review of plans for prototype
13 franchised or chain facilities for food establishments subject to this section. All of the fees
14 collected under this subsection may be used to support the State food, lodging, and institution
15 sanitation programs and activities under this Part. If the Department has reviewed and approved
16 the plan for a prototype franchised or chain facility for food establishment under this section,
17 the local health department shall not require revisions to the approved plan. The local health
18 department may review and suggest revisions, but any revisions must be approved, in writing,
19 by the Department."

20 **SECTION 12.** If any provision of this act or its application is held invalid, the
21 invalidity does not affect other provisions or applications of this act that can be given effect
22 without the invalid provisions or application, and to this end the provisions of this act are
23 severable.

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