

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003**

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**SENATE BILL 494
State Government, Local Government, and Veterans' Affairs Committee
Substitute Adopted 4/21/03
State Government, Local Government, and Veterans' Affairs Committee
Substitute #2 Adopted 4/24/03
House Committee Substitute Favorable 6/4/03
Fifth Edition Engrossed 6/12/03**

Short Title: Carrboro Sprinklers/Chapel Hill Zoning. (Local)

Sponsors:

Referred to:

March 20, 2003

A BILL TO BE ENTITLED

1 AN ACT TO ALLOW THE TOWN OF CARRBORO TO REQUIRE SPRINKLERS
2 IN BARS, CLUBS, AND OTHER SIMILAR PLACES OF PUBLIC ASSEMBLY
3 THAT HAVE GATHERINGS OF MORE THAN ONE HUNDRED PEOPLE AND
4 SELL ALCOHOLIC BEVERAGES AND TO AUTHORIZE THE TOWN OF
5 CHAPEL HILL TO POSTPONE FOR TWELVE MONTHS THE APPROVAL OF
6 SPECIAL USE PERMITS AND SITE PLANS PROPOSED ON SITES
7 RESERVED AS SCHOOL SITES ON THE TOWN'S ADOPTED
8 COMPREHENSIVE LAND-USE PLAN.
9

10 The General Assembly of North Carolina enacts:

11 **SECTION 1.** Section 9-5 of the Charter of the Town of Carrboro, being
12 Chapter 476 of the 1987 Session Laws, as amended, reads as rewritten:

13 "Section 9-5. Sprinkler Systems.

14 (a) Notwithstanding any provision of the North Carolina State Building Code or
15 any general or local law to the contrary, the board of aldermen may adopt an ordinance
16 requiring that sprinkler systems be installed in all of the following types of buildings
17 constructed within the town or its extraterritorial planning jurisdiction: (i) buildings in
18 excess of 50 feet in height; (ii) nonresidential buildings containing at least 5,000 square
19 feet of floor surface area; or (iii) buildings designed for assembly occupancy (as defined
20 in the North Carolina State Building Code) that accommodate more than 25 people.
21 This ordinance applies to existing buildings only to the extent and under the
22 circumstances that the provisions of the North Carolina State Building Code apply to
23 preexisting buildings.

1 (b) Notwithstanding any provision in the North Carolina State Building Code or
2 any other provision of law, the Board of Aldermen may adopt an ordinance requiring
3 that sprinkler systems be installed in bars, clubs, and other places of public assembly
4 that are designed for occupancy by 100 or more persons and that sell alcoholic
5 beverages. The ordinance does not apply to restaurants. This ordinance may be made
6 applicable to any new occupancy prior to issuance of a certificate of occupancy. The
7 ordinance may also be made applicable to any existing occupancy at the end of a period
8 of three years following the date of enactment of the ordinance."

9 **SECTION 2.** G.S. 160A-381 is amended by adding a new subsection to
10 read:

11 "(d) An ordinance enacted under the authority of this Part may provide for the
12 reservation of school sites in accordance with comprehensive land-use plans approved
13 by the council or the planning agency. In order for this authorization to become
14 effective, before approving such plans the council or planning agency and the board of
15 education with jurisdiction over the area shall jointly determine the specific location and
16 size of any school sites to be reserved, which information shall appear in the
17 comprehensive land-use plan. Prior to the adoption of such plans (or of any amendment
18 to such plans) affecting areas reserved for schools, the owner of that parcel of land
19 reserved for schools or proposed to be reserved for schools, or any portion thereof, as
20 shown on the county tax records, and the owners of all parcels of land abutting that
21 parcel, as shown on the county tax records, shall be mailed a notice of the proposed
22 plans or amendment to plans by first class mail at the addresses shown on such county
23 tax records. Whenever a special use permit or site plan development is submitted for
24 approval which includes part or all of a school site to be reserved under the plan, the
25 council or planning agency shall immediately notify the board of education and the
26 board shall promptly decide whether it still wishes the site to be reserved. If the board of
27 education does not wish to reserve the site, it shall so notify the council or planning
28 agency and no site shall be reserved. If the board does wish to reserve the site, the
29 special use permit or site plan development shall not be approved without such
30 reservation. The board of education shall then have 12 months beginning on the date of
31 final approval of the special use permit or site plan development within which to acquire
32 the site by purchase or by initiating condemnation proceedings. If the board of
33 education has not purchased or begun proceedings to condemn the site within 12
34 months, the owner and applicant for the special use permit or site plan development
35 may treat the land as freed of the reservation."

36 **SECTION 3.** Section 1 of this act applies to the Town of Carrboro only.
37 Section 2 of this act applies to the Town of Chapel Hill only and shall apply in that area
38 where the Town of Chapel Hill exercises territorial planning jurisdiction, including any
39 area under that Town's jurisdiction pursuant to a Joint Planning Agreement with Orange
40 County.

41 **SECTION 4.** This act is effective when it becomes law.