

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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SENATE DRS35241-RB-15 (02/28)

Short Title: No Monetary Exaction for Development.

(Public)

Sponsors: Senators Dalton, and Swindell.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THAT A LOCAL GOVERNMENT MAY NOT IMPOSE A
TAX, FEE, OR MONETARY CONTRIBUTION FOR DEVELOPMENT THAT IS
NOT SPECIFICALLY AUTHORIZED BY LAW.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 153A-320 reads as rewritten:

"§ 153A-320. Territorial ~~jurisdiction~~; jurisdiction; limitation of authority.

(a) Jurisdiction. – Each of the powers granted to counties by this ~~Article~~, by ~~Chapter 157A~~, and ~~Article~~ and by Chapter 160A, Article 19 may be exercised throughout the county except as otherwise provided in G.S. 160A-360.

(b) Limitation of Authority. – A county may not impose or exact a tax, fee, or monetary contribution for development or a development permit unless specifically authorized by law. The terms 'development' and 'development permit' have the same meanings as defined in G.S. 153A-349.2."

SECTION 2. G.S. 153A-349.1(b) reads as rewritten:

"(b) Local governments and agencies may enter into development agreements with developers, subject to the procedures and requirements of this Part. In entering into such agreements, a local government may not exercise any authority or make any commitment not authorized by general or local act and may not impose ~~any tax or fee or exact a tax, fee, or monetary contribution~~ not authorized by otherwise applicable law."

SECTION 3. The catch line of G.S. 160A-360 reads as rewritten:

"§ 160A-360. Territorial ~~jurisdiction~~; jurisdiction; limitation of authority."

SECTION 4. G.S. 160A-360 is amended by adding a new subsection to

read:

"(k) A city may not impose or exact a tax, fee, or monetary contribution for development or a development permit unless specifically authorized by law. The terms

1 'development' and 'development permit' have the same meanings as defined in
2 G.S. 160A-400.21."

3 **SECTION 5.** G.S. 160A-400.20(b) reads as rewritten:

4 "(b) Local governments and agencies may enter into development agreements
5 with developers, subject to the procedures and requirements of this Part. In entering into
6 such agreements, a local government may not exercise any authority or make any
7 commitment not authorized by general or local act and may not impose ~~any tax or fee or~~
8 exact a tax, fee, or monetary contribution not authorized by otherwise applicable law."

9 **SECTION 6.** Sections 2 and 5 of this act are effective when it becomes law
10 and apply to development agreements entered into on or after that date. The remainder
11 of this act is effective when it becomes law.