

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

H.B. 307
Mar 18, 2015
HOUSE PRINCIPAL CLERK

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HOUSE DRH40144-LMf-20B (01/14)

Short Title: Zebulon Charter/Use of Certain Fees. (Local)

Sponsors: Representatives Malone and Jackson (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT AMENDING THE CHARTER OF THE TOWN OF ZEBULON TO REMOVE
3 RESTRICTIONS ON THE USE OF CERTAIN FEES COLLECTED BY THE TOWN.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** Section 8.30 of the Charter of the Town of Zebulon, being Chapter
6 386 of the 1973 Session Laws, as amended by Chapter 606 of the 1989 Session Laws, and
7 renumbered as Section 6.29 by Town Ordinance No. 2015-09 adopted pursuant to
8 G.S. 160A-496, reads as rewritten:

9 "Sec. 6.29. Road or Drainage Projects Fees.

10 ...
11 (c) Requirements and limitations.

12 ...
13 (3) The amount of each fee imposed and collected hereunder shall be based
14 upon reasonable and uniform considerations of capital costs to be incurred
15 by the Town as a result of new construction and shall bear a reasonable
16 relationship to such capital costs. In addition, the fee shall be rationally
17 related to and no greater than the amount roughly proportional to the impact
18 reasonably expected to be generated by the new construction. Such fee shall
19 be based upon reasonable classifications and rates which shall be uniformly
20 applied to all members of a class; however, the fees may differ within zones
21 which may be established depending on the special needs and costs of road
22 and drainage projects in such zones. To the extent that the developer installs
23 and dedicates road or public storm drainage improvements for which the use
24 of the fee is designated, which immediately become the property of the
25 Town or another unit of government, and which are not otherwise
26 reimbursed by the Town, the fee shall be reduced by an amount equal to the
27 value of the improvements or dedications.

28 (4) All monies from fees collected hereunder shall be placed in a separate trust
29 fund. ~~Expenditures from such trust fund for any one road or drainage project~~
30 ~~shall not exceed fifty percent (50%) of the capital costs of such individual~~
31 ~~project.~~ No expenditures from such trust fund shall be made for any purpose
32 other than a road or drainage project undertaken by the Town, or by the
33 Town in conjunction with other units of government. All expenditures from
34 the trust fund for any road or drainage project shall be in accordance with the
35 general laws of the State of North Carolina. Road or drainage project fees
36 shall be spent for those community service facilities authorized by this



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~~Section 8.30 which the Town provides within six years after its collection and within 10 years for those community service facilities authorized by this Section 8.30 which the Town provides in conjunction with other units of government section within 10 years after its collection."~~

SECTION 2. Section 8.31 of the Charter of the Town of Zebulon, being Chapter 386 of the 1973 Session Laws, as amended by Chapter 606 of the 1989 Session Laws, and renumbered as Section 6.30 by Town Ordinance No. 2015-09 adopted pursuant to G.S. 160A-496, reads as rewritten:

"Sec. 6.30. Open Space Project Fees.

...
(c) Requirements and limitations.

(3) The amount of each fee imposed and collected hereunder shall be based upon reasonable and uniform considerations of capital costs to be incurred by the Town as a result of new construction and shall bear a reasonable relationship to such capital costs. In addition, the fee shall be rationally related to and no greater than the amount roughly proportional to the impact reasonably expected to be generated by the new construction. Such fee shall be based upon reasonable classifications and rates which shall be uniformly applied to all members of a class; however, the fees may differ within zones which may be established depending on the special needs and costs of open space projects in such zones. To the extent that the developer acquires and dedicates open space for open space projects for which the use of the fee is designated, which immediately becomes the property of the Town, or another unit of government, and which is not otherwise reimbursed by the Town, the fee shall be reduced by an amount equal to the value of the open space dedications.

(4) All monies from fees collected hereunder shall be placed in a separate trust fund. ~~Expenditures from such trust fund for any one open space project shall not exceed fifty percent (50%) of the capital costs of such individual project.~~ No expenditures from such trust fund shall be made for any purpose other than an open space project undertaken by the Town, or by the Town in conjunction with other units of government. All expenditures from the trust fund for any open space project shall be in accordance with the general laws of the State of North Carolina. Open space project fees shall be spent for those community service facilities authorized by this ~~Section 8.31 which the Town provides within six years after its collection and within 10 years for those community service facilities authorized by this Section 8.31 which the Town provides in conjunction with other units of government.~~section within 10 years after its collection."

SECTION 3. Section 8.32 of the Charter of the Town of Zebulon, being Chapter 386 of the 1973 Session Laws, as amended by Chapter 606 of the 1989 Session Laws, and renumbered as Section 6.31 by Town Ordinance No. 2015-09 adopted pursuant to G.S. 160A-496, reads as rewritten:

"Sec. 6.31. Recreation Project Fees.

...
(c) Requirements and limitations.

(3) The amount of each fee imposed and collected hereunder shall be based upon reasonable and uniform considerations of capital costs to be incurred by the Town as a result of new construction and shall bear a reasonable

1 relationship to such capital costs. In addition, the fee shall be rationally
2 related to and no greater than the amount roughly proportional to the impact
3 reasonably expected to be generated by the new construction. Such fee shall
4 be based upon reasonable classifications and rates which shall be uniformly
5 applied to all members of a class; however, the fees may differ within zones
6 which may be established depending on the special needs and costs of
7 recreational projects in such zones. To the extent that the developer acquires
8 and dedicates recreational land or recreational facilities for which the use of
9 the fee is designated, which immediately become the property of the Town,
10 or another unit of government, and which are not otherwise reimbursed by
11 the Town, the fee shall be reduced by an amount equal to the value of the
12 land and recreational facilities so dedicated.

13 (4) All monies from fees collected hereunder shall be placed in a separate trust
14 fund. ~~Expenditures from such trust fund for any one recreational project~~
15 ~~shall not exceed fifty percent (50%) of the capital costs of such individual~~
16 ~~project.~~ No expenditures from such trust fund shall be made for any purpose
17 other than recreation projects undertaken by the Town, or by the Town in
18 conjunction with other units of government. All expenditures from the trust
19 fund for any recreation project shall be in accordance with the general laws
20 of the State of North Carolina. Recreation project fees shall be spent for
21 those community service facilities authorized by this ~~Section 8.32 which the~~
22 ~~Town provides within six years after its collection and within 10 years for~~
23 ~~those community service facilities authorized by this Section 8.32 which the~~
24 ~~Town provides in conjunction with other units of government.~~section within
25 10 years after its collection."

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