

GENERAL ASSEMBLY OF NORTH CAROLINA
1987 SESSION

CHAPTER 460
HOUSE BILL 917

AN ACT MAKING SUNDRY AMENDMENTS CONCERNING LOCAL
GOVERNMENTS IN ORANGE AND CHATHAM COUNTIES.

The General Assembly of North Carolina enacts:

TITLE I. CHAPEL HILL OCCUPANCY TAX.

Section 1. Occupancy Tax. (a) Authorization and scope. The Chapel Hill Town Council may, by ordinance, levy a room occupancy tax of no more than three percent (3%) on the gross receipts derived from the rental of any room, lodging, or similar accommodation subject to sales tax under G.S. 105-164.4(3).

This tax does not apply to accommodations furnished by nonprofit charitable, educational, benevolent, or religious organizations when furnished in furtherance of their nonprofit purpose. This tax is in addition to any State or local sales tax.

(b) Collection. Every operator of a business subject to the tax levied under this section shall, on and after the effective date of the levy of the tax, collect the tax. This tax shall be collected as part of the charge for furnishing a taxable accommodation. The tax shall be stated and charged separately on the sales records, and shall be paid by the purchaser to the operator of the business as trustee for and on account of the Town of Chapel Hill. The tax shall be added to the sales price and shall be passed on to the purchaser instead of being borne by the operator of the business. The Town shall design, print, and furnish to all appropriate businesses and persons in the Town the necessary forms for filing returns and instructions to ensure the full collection of the tax.

An operator of a business who collects the occupancy tax levied under this section may deduct from the amount remitted by him to the Town a discount of one percent (1%) of the amount collected as reimbursement for the expenses incurred in collecting the tax.

(c) Administration. The Town shall administer a tax levied under this section. A tax levied under this section is due and payable to the Town revenue collector in monthly installments on or before the 15th day of the month following the month in which the tax accrues. Every person, firm, corporation, or association liable for the tax shall, on or before the 15th day of each month, prepare and render a return on a form prescribed by the Town. The return shall state the total gross receipts derived in the preceding month from rentals and sales upon which the tax is levied.

(d) Penalties. A person, firm, corporation, or association who fails or refuses to file the return required by this section shall pay a penalty of ten dollars (\$10.00) for each day's omission. In case of failure or refusal to file the return or pay

the tax for a period of 30 days after the time required for filing the return or for paying the tax, there shall be an additional tax, as a penalty, of five percent (5%) of the tax due in addition to any other penalty, with an additional tax of five percent (5%) for each additional month or fraction thereof until the tax is paid.

Any person who willfully attempts in any manner to evade a tax imposed under this section or who willfully fails to pay the tax or make and file a return shall, in addition to all other penalties provided by law, be guilty of a misdemeanor and shall be punishable by a fine not to exceed one thousand dollars (\$1,000) and imprisonment not to exceed 30 days.

(e) Use and Distribution of Tax Revenue. The Town Council of the Town of Chapel Hill shall decide on the allocation of the revenues collected from this tax annually during its budgeting process with particular consideration given to providing funding for visitor information services and support for cultural events, and not less than ten percent (10%) of the annual revenues shall be used for those purposes.

The Town may contract with nonprofit organizations to undertake or carry out the activities and programs for which the revenue may be expended. All contracts entered into with nonprofit organizations shall require an annual financial audit of any funds expended and a performance audit of contractual obligations.

(f) Repeal. A tax levied under this section may be repealed by ordinance adopted by the Chapel Hill Town Council. Repeal of a tax levied under this section shall become effective on the first day of a month and may not become effective until the end of the fiscal year in which the repeal ordinance was adopted. Repeal of a tax levied under this section does not affect a liability for a tax that attached before the effective date of the repeal, nor does it affect a right to a refund of a tax that accrued before the effective date of the repeal.

Sec. 2. Any tax enacted pursuant to this title shall not apply to the Durham County portion of the Town of Chapel Hill.

TITLE II. CHAPEL HILL SMOKE DETECTORS.

Sec. 3. The Charter of the Town of Chapel Hill being Chapter 473, Session Laws of 1975, is amended by adding a new section to read:

"Section 6.3. Smoke Detectors. Notwithstanding any provision of the North Carolina State Building Code or any general or local law to the contrary, the Town of Chapel Hill may provide, by ordinance, that the owners of all rental residential dwelling units whose units are not required to have smoke detectors under the State Building Code shall install smoke detectors in such units within 90 days after the effective date of such ordinance."

TITLE III. CHATHAM IMPACT FEES.

Sec. 4. **Impact Fees Authorized.** (a) The Board of Commissioners of a county may provide by ordinance for a system of impact fees to be paid by developers to help defray the costs to the county of constructing certain capital improvements, the need for which is created in substantial part by the new development that takes place within the county.

(b) For purposes of this title, the term "capital improvements" includes capital improvements to schools, roads, public recreation facilities, sidewalks,

bikeways, rescue facilities, surface water drainage systems, water or sewer systems, and fire stations.

(c) An ordinance adopted pursuant to authority contained in this act may be made applicable to all development that occurs within the county.

Sec. 5. Amount of Fees. In establishing the amount of any impact fee, the county shall endeavor to approach the objective of having every development contribute to a capital improvements fund an amount of revenue that bears a reasonable relationship to that development's fair share of the costs of the capital improvements that are needed in part because of that development. In fulfilling this objective, the Board of Commissioners shall, among other steps and actions:

(1) Estimate the total cost of improvements by category (e.g., schools, roads, public recreation facilities, etc.) that will be needed to provide in a reasonable manner for the public health, safety and welfare of persons residing within the county during a reasonable planning period not to exceed 20 years. The Board of Commissioners may divide the county into two or more districts and estimate the costs of needed improvements within each district. These estimates shall be periodically reviewed and updated, and the planning period used may be changed from time to time.

(2) Establish a percentage of the total costs of each category of improvement that, in keeping with the objective set forth above, should fairly be borne by those paying the impact fee.

(3) Establish a formula that fairly and objectively apportions the total costs that are to be borne by those paying impact fees among various types of developments. By way of illustration, but without limitation:

- a. In the case of road improvements, the impact fee may be related to the number of trips per day generated by different types of uses according to recognized estimates;
- b. In the case of improvements to schools the impact fee may be related to the size of the development, i.e., number of houses, and the anticipated number of students expected from said development according to recognized estimates, and the impact thereof on the need for additional school facilities in the county.

Sec. 6. Capital Improvements Reserve Funds; Expenditures. (a) Impact fees received by the county shall be deposited in a Capital Improvements Reserve Fund. Such funds may be expended only on the type of capital improvements for which such impact fees were established, and then only in accordance with the provisions of subsection (b) of this section.

(b) In order to ensure that impact fees paid by a particular development are expended on capital improvements that benefit that development, the county may establish for each category of capital improvement for which it collects an impact fee at least two geographical districts or zones, and impact fees generated by developments within those districts or zones must be spent on improvements that are located within or that benefit property located within those districts or zones.

Sec. 7. Credits for Improvements. An ordinance adopted under this act shall make provision for credits against required fees when a developer installs

improvements of a type that generally would be paid for by the county out of a capital reserve account funded by impact fees. The ordinance may spell out the circumstances under which a developer will be allowed to install such improvements and receive such credits.

Sec. 8. Appeals Procedure. An ordinance adopted under this act may provide that any person aggrieved by a decision regarding an impact fee may appeal to the County Board of Adjustment. If the ordinance establishes an appeal procedure, it shall spell out the time within which the appeal must be taken to the Board of Adjustment, the possible grounds for an appeal and the board's authority in the matter, whether the fee must be paid prior to resolution of the appeal, and other procedural or substantive matters related to appeals. Any decision by the Board of Adjustment shall be subject to review by the superior court within the county by proceedings in the nature of **certiorari** in the same manner as is provided in G.S. 153A-345(e).

Sec. 9. Payment of Impact Fees. An ordinance adopted under this act shall spell out when in the process of development approval and construction impact fees shall be paid and by whom. By way of illustration, and without limitation, the ordinance may provide that an applicant for a building permit shall submit the impact fee along with the permit application and that building permits shall not be issued until the impact fee has been paid.

Sec. 10. Refunds. If this title or any ordinance adopted hereunder is declared to be unconstitutional or otherwise invalid by any court of competent jurisdiction, then any impact fees collected thereunder shall be refunded to the person paying them together with interest at the same rate paid by the Secretary of Revenue on refunds for tax overpayments.

Sec. 11. Limitation on Actions. (a) Any action contesting the validity of an ordinance adopted pursuant to this title must be commenced not later than nine months after the effective date of such ordinance.

(b) Any action seeking to recover an impact fee must be commenced not later than nine months after the impact fee is paid.

Sec. 12. All laws and clauses of laws in conflict with this title are hereby repealed.

Sec. 12.1. This title applies to Chatham County only.

TITLE IV. PITTSBORO IMPACT FEES.

Sec. 13. The Charter of the Town of Pittsboro, being Chapter 348, Session Laws of 1973, as amended is amended by adding a new Article to read:

"Article XIV. Impact Fees.

"Sec. 14.1. Impact Fees Authorized.—(a) The Town Board of Commissioners may provide by ordinance for a system of impact fees to be paid by developers to help defray the costs to the Town of constructing certain capital improvements, the need for which is created in substantial part by the new development that takes place within the Town and its extraterritorial planning area.

(b) For purposes of this Article, the term capital improvements includes capital improvements to public streets, bridges, sidewalks, greenways, water and sewer,

bikeways, on and off street surface water drainage ditches, pipes, culverts, other drainage facilities, public schools, and public recreation facilities.

(c) An ordinance adopted under this Article may be made applicable to all development that occurs within the town and its extraterritorial planning area, as established by local act or pursuant to the procedures set forth in G.S. 160A-360.

(d) The Town may, with the approval of the Chatham County Board of Commissioners, construct capital improvements outside the Town limits but within the Town's extraterritorial planning area.

"Sec. 14.2. **Amount of Fees.**—(a) In establishing the amount of any impact fee, the Town shall endeavor to approach the objective of having every development contribute to a capital improvements fund an amount of revenue that bears a reasonable relationship to that development's fair share of the costs of the capital improvements that are needed in part because of that development. In fulfilling this objective, the Town Board of Commissioners shall, among other steps and actions:

- (1) Estimate the total cost of improvements by category (e.g., streets, sidewalks, drainage ways, etc.) that will be needed to provide in a reasonable manner for the public health, safety and welfare of persons residing within the Town and its extraterritorial planning area during a reasonable planning period not to exceed 20 years. The Council may divide the Town and its extraterritorial area into two or more districts and estimate the costs of needed improvements within each district. These estimates shall be periodically reviewed and updated, and the planning period used may be changed from time to time.
- (2) Establish a percentage of the total costs of each category of improvement that, in keeping with the objective set forth above, should fairly be borne by those paying the impact fee.
- (3) Establish a formula that fairly and objectively apportions the total costs that are to be borne by those paying impact fees among various types of developments. By way of illustration without limitation:
 - a. In the case of street improvements, the impact fee may be related to the number of trips per day generated by different types of uses according to recognized estimates;
 - b. In the case of drainage improvements, the impact fee may be related to the size of a development, the amount of impervious surface the development has, or other factors that bear upon the degree to which a development contributes to the need for drainage improvements made at public expense.

"Sec. 14.3. **Capital Improvements Reserve Funds; Expenditures.** (a) Impact fees received by the Town shall be deposited in a capital improvements reserve fund or funds established under Chapter 159 of the General Statutes, Article 3, Part 2. Such funds may be expended only on the type of capital improvements for which such impact fees were established, and then only in accordance with the provisions of subsection (b) of this section.

(b) In order to ensure that impact fees paid by a particular development are expended on capital improvement that benefit that development, the Town may establish for each category of capital improvement for which it collects an impact fee at least two geographical districts or zones, and impact fees generated by developments within those districts or zones must be spent on improvements that are located within or that benefit property located within those districts or zones.

"Sec. 14.4. **Credits for Improvements.** An ordinance adopted under this Article shall make provision for credits against required fees when a developer installs improvements of a type that generally would be paid for by the Town out of a capital reserve account funded by impact fees. The ordinance may spell out the circumstances under which a developer will be allowed to install such improvements and receive such credits.

"Sec. 14.5. **Appeals Procedure.** An ordinance adopted under this Article may provide that any person aggrieved by a decision regarding an impact fee may appeal to the Pittsboro Board of Adjustment. If the ordinance establishes an appeal procedure, it shall spell out the time within which the appeal must be taken to the Board of Adjustment, the possible grounds for an appeal and the board's authority in the matter, whether the fee must be paid prior to resolution of the appeal, and other procedural or substantive matters related to appeals. Any decision by the Board of Adjustment shall be subject to review by the superior court by proceedings in the nature of **certiorari** in the same manner as is provided in G.S. 160A-388(e).

"Sec. 14.6. **Payment of Impact Fees.** An ordinance adopted under this Article shall spell out when in the process of development approval and construction impact fees shall be paid and by whom. By way of illustration without limitation, the ordinance may provide that an applicant for a building permit shall submit the impact fee along with the permit application and that building permits shall not be issued until the impact fee has been paid.

"Sec. 14.7. **Refunds.** If this Article or any ordinance adopted thereunder is declared to be unconstitutional or otherwise invalid, then any impact fees collected shall be refunded thereunder to the person paying them together with interest at the same rate paid by the Secretary of Revenue on refunds for tax overpayments.

"Sec. 14.8. **Limitations on Actions.** (a) Any action contesting the validity of an ordinance adopted under this Article must be commenced not later than nine months after the effective date of such ordinance.

(b) Any action seeking to recover an impact fee must be commenced not later than nine months after the impact fee is paid."

TITLE V. CHAPEL HILL HOUSING.

Sec. 14. Findings and declarations. It is hereby found and declared that there is a serious shortage of decent, safe and sanitary housing available at low prices or rentals to persons and families of low and moderate income, and that private enterprise without assistance has been unable to meet that need in the Town of Chapel Hill. These conditions contribute to urban blight and retard sound development and redevelopment, thereby necessitating the following provisions to alleviate such conditions in the public interest.

Sec. 15. In addition to the other authority granted by law, the Town of Chapel Hill may engage in and appropriate and expend any public funds for housing programs and activities for the benefit of low and moderate income persons, and to engage in the following activities for the benefit of low and moderate income persons: programs of assistance and financing of rehabilitation efforts, including direct repair and the making of grants or loans; the purchase, lease or disposition of property for housing sites; and the construction, reconstruction, improvement or alteration of housing or housing projects. The Town of Chapel Hill may enter into contracts or agreements with any person, association, partnership, corporation or another governmental agency to undertake, carry out or otherwise exercise the authority granted by this section. This authority shall be considered a part of the Town's Community Development enabling authority.

Sec. 16. This Title shall apply to the Town of Chapel Hill only.

TITLE VI. ORANGE COUNTY IMPACT FEES.

Sec. 17. G.S. 153A-331 is amended by identifying the existing provisions as subsection (a) and by adding new subsections to read:

"(b) Impact Fees Authorized.

- (1) Orange County may provide by ordinance for a system of impact fees to be paid by developers to help defray the costs to the County of constructing certain capital improvements, the need for which is created in substantial part by the new development that takes place within the County.
- (2) For purposes of this subsection, the term capital improvements includes the acquisition of land for open space and greenways, capital improvements to public streets, schools, bridges, sidewalks, bikeways, on and off street surface water drainage ditches, pipes, culverts, other drainage facilities, water and sewer facilities and public recreation facilities.
- (3) An ordinance adopted under this subsection may be made applicable to all development that occurs within the County.

(c) Amount of Fees. In establishing the amount of any impact fee, the County shall endeavor to approach the objective of having every development contribute to a capital improvements fund an amount of revenue that bears a reasonable relationship to that development's fair share of the costs of the capital improvements that are needed in part because of that development. In fulfilling this objective, the County shall, among other steps and actions:

- (1) Estimate the total cost of improvements by category (e.g., streets, sidewalks, drainage ways, etc.) that will be needed to provide in a reasonable manner for the public health, safety and welfare of persons residing within the County during a reasonable planning period not to exceed 20 years. The Board of County Commissioners may divide the County into two or more districts and estimate the costs of needed improvements within each district. These estimates shall be

periodically reviewed and updated and the planning period used may be changed from time to time.

- (2) Establish a percentage of the total costs of each category of improvement that, in keeping with the objective set forth above, should fairly be borne by those paying the impact fee.
 - (3) Establish a formula that fairly and objectively apportions the total costs that are to be borne by those paying impact fees among various types of developments. By way of illustration without limitation:
 - a. In the case of street improvements, the impact fee may be related to the number of trips per day generated by different types of uses according to recognized estimates;
 - b. In the case of drainage improvements, the impact fee may be related to the size of a development, the amount of impervious surface the development has, or other factors that bear upon the degree to which a development contributes to the need for drainage improvements made at public expense.
- (d) Capital Improvements Reserve Funds: Expenditures.
- (1) Impact fees received by the County shall be deposited in a capital improvements reserve fund or funds established under Chapter 159 of the General Statutes, Article 3, Part 2. Such funds may be expended only on the type of capital improvements for which such impact fees were established, and then only in accordance with the provision of subsection (2) of this section.
 - (2) In order to ensure that impact fees paid by a particular development are expended on capital improvements that benefit that development, the County may establish for each category of capital improvement for which it collects an impact fee at least two geographical districts or zones, and impact fees generated by developments within those districts or zones must be spent on improvements that are located within or that benefit property located within those districts or zones.
- (e) Credits for Improvements. An impact fee ordinance shall make provision for credits against required fees when a developer installs improvements of a type that generally would be paid for by the County out of a capital reserve account funded by impact fees. The ordinance may spell out the circumstances under which a developer will be allowed to install such improvements and receive such credits.
- (f) Appeals Procedure. An ordinance authorizing impact fees as provided herein may provide that any person aggrieved by a decision regarding an impact fee may appeal to the Orange County Board of Adjustment. If the ordinance establishes an appeals procedure, it shall spell out the time within which the appeal must be taken to the board of adjustment, the possible grounds for an appeal and the board's authority in the matter, whether the fee must be paid prior to resolution of the appeal, and other procedural or substantive matters related to appeals. Any decision by the board of adjustment shall be subject to review by the superior court by proceedings in the nature of **certiorari** in the same manner as is provided in G.S. 153A-345.

(g) Payment of Impact Fees. An ordinance authorizing impact fees as herein provided shall spell out when in the process of development approval and construction impact fees shall be paid and by whom. By way of illustration without limitation, the ordinance may provide that an applicant for a building permit shall submit the impact fee along with the permit application and that building permits shall not be issued until the impact fee has been paid.

(h) Refunds. If this section or any ordinance adopted thereunder is declared to be unconstitutional or otherwise invalid, then any impact fees collected shall be refunded to the person paying them together with interest at the rate established under G.S. 105-241.1, being the same rate paid by the Secretary of Revenue on refunds for tax overpayments.

(i) Limitations on Actions.

(1) Any action contesting the validity of an ordinance adopted as herein provided must be commenced not later than nine months after the effective date of such ordinance.

(2) Any action seeking to recover an impact fee must be commenced not later than nine months after the impact fee is paid."

Sec. 17.1. Section 17 of this act shall apply only to Orange County, and applies only within the planning jurisdiction of Orange County.

Sec. 18. G.S. 153A-340 is amended by identifying the existing provisions as subsection (a) and by adding new subsections to read:

"(b) Impact Fees Authorized.

(1) Orange County may provide by ordinance for a system of impact fees to be paid by developers to help defray the costs to the County of constructing certain capital improvements, the need for which is created in substantial part by the new development that takes place within the County.

(2) For purposes of this subsection, the term capital improvements includes the acquisition of land for open space and greenways, capital improvements to public streets, schools, bridges, sidewalks, bikeways, on and off street surface water drainage ditches, pipes, culverts, other drainage facilities, water and sewer facilities and public recreation facilities.

(3) An ordinance adopted under this subsection may be made applicable to all development that occurs within the County.

(c) Amount of Fees. In establishing the amount of any impact fee, the County shall endeavor to approach the objective of having every development contribute to a capital improvements fund an amount of revenue that bears a reasonable relationship to that development's fair share of the costs of the capital improvements that are needed in part because of that development. In fulfilling this objective, the County shall, among other steps and actions:

(1) Estimate the total cost of improvements by category (e.g., streets, sidewalks, drainage ways, etc.) that will be needed to provide in a reasonable manner for the public health, safety and welfare of persons

residing within the County during a reasonable planning period not to exceed 20 years. The Board of County Commissioners may divide the County into two or more districts and estimate the costs of needed improvements within each district. These estimates shall be periodically reviewed and updated and the planning period used may be changed from time to time.

- (2) Establish a percentage of the total costs of each category of improvement that, in keeping with the objective set forth above, should fairly be borne by those paying the impact fee.
- (3) Establish a formula that fairly and objectively apportions the total costs that are to be borne by those paying impact fees among various types of developments. By way of illustration without limitation:
 - a. In the case of street improvements, the impact fee may be related to the number of trips per day generated by different types of uses according to recognized estimates;
 - b. In the case of drainage improvements, the impact fee may be related to the size of a development, the amount of impervious surface the development has, or other factors that bear upon the degree to which a development contributes to the need for drainage improvements made at public expense.

(d) Capital Improvements Reserve Funds: Expenditures.

- (1) Impact fees received by the County shall be deposited in a capital improvements reserve fund or funds established under Chapter 159 of the General Statutes, Article 3, Part 2. Such funds may be expended only on the type of capital improvements for which such impact fees were established, and then only in accordance with the provision of subsection (2) of this section.
- (2) In order to ensure that impact fees paid by a particular development are expended on capital improvements that benefit that development, the County may establish for each category of capital improvement for which it collects an impact fee at least two geographical districts or zones, and impact fees generated by developments within those districts or zones must be spent on improvements that are located within or that benefit property located within those districts or zones.

(e) Credits for Improvements. An impact fee ordinance shall make provision for credits against required fees when a developer installs improvements of a type that generally would be paid for by the County out of a capital reserve account funded by impact fees. The ordinance may spell out the circumstances under which a developer will be allowed to install such improvements and receive such credits.

(f) Appeals Procedure. An ordinance authorizing impact fees as provided herein may provide that any person aggrieved by a decision regarding an impact fee may appeal to the Orange County Board of Adjustment. If the ordinance establishes an appeals procedure, it shall spell out the time within which the appeal must be taken to the board of adjustment, the possible grounds for an appeal and the board's authority in

the matter, whether the fee must be paid prior to resolution of the appeal, and other procedural or substantive matters related to appeals. Any decision by the board of adjustment shall be subject to review by the superior court by proceedings in the nature of **certiorari** in the same manner as is provided in G.S. 153A-345.

(g) **Payment of Impact Fees.** An ordinance authorizing impact fees as herein provided shall spell out when in the process of development approval and construction impact fees shall be paid and by whom. By way of illustration without limitation, the ordinance may provide that an applicant for a building permit shall submit the impact fee along with the permit application and that building permits shall not be issued until the impact fee has been paid.

(h) **Refunds.** If this section or any ordinance adopted thereunder is declared to be unconstitutional or otherwise invalid, then any impact fees collected shall be refunded to the person paying them together with interest at the rate established under G.S. 105-241.1, being the same rate paid by the Secretary of Revenue on refunds for tax overpayments.

(i) **Limitations on Actions.**

(1) Any action contesting the validity of an ordinance adopted as herein provided must be commenced not later than nine months after the effective date of such ordinance.

(2) Any action seeking to recover an impact fee must be commenced not later than nine months after the impact fee is paid."

Sec. 18.1. Section 18 of this act shall apply only to Orange County, and applies only within the planning jurisdiction of Orange County.

TITLE VII. ORANGE COUNTY DISCLOSURE.

Sec. 19. Every member of the Board of Commissioners of Orange County shall disclose any legal, equitable, beneficial or contractual interest he/she or his/her spouse may have in any real property in Orange County. The real property which must be disclosed includes all real property which any Board member or his/her spouse holds title to, individually or jointly, any real property held in trust as well as any pecuniary interest he/she may have in any business, firm, or corporation of whatever nature, which holds title to or has any ownership interest in any real property within Orange County. Such disclosure shall contain the general location of the real property, but need not include its value.

Sec. 20. Every member of the Board of Commissioners of Orange County shall disclose any legal, equitable, beneficial or contractual interest he/she may have in or with any business, firm, or corporation, of whatever nature, which is doing business with Orange County pursuant to contracts which have been awarded by Orange County.

Sec. 21. Every member of the Board of County Commissioners of Orange County shall disclose any legal, equitable, beneficial or contractual interest he/she may have in any business, firm, or corporation, of whatever nature, which is attempting to secure the award of a bid from Orange County or the approval of any Board or Agency of Orange County.

Sec. 22. The disclosures required in Sections 19, 20 and 21 shall be in writing and filed with the Clerk of Superior Court of Orange County and with the Clerk to the Board of Commissioners of Orange County.

Sec. 23. The written disclosures required in Sections 19, 20 and 21 shall be made within the following time periods which are applicable:

(1) the later of 30 days after the effective date of this title or 30 days after the Board member has assumed office;

(2) the earlier of 30 days of the acquisition of any legal, equitable, beneficial or contractual interest in the property or business, firm, or corporation required to be disclosed in Sections 19, 20 and 21 or prior to the award by Orange County of a contract with or a permit or other approval to a business, firm, or corporation required to be disclosed in Sections 20 and 21.

Sec. 24. Subject to the limitations contained in this section, every Board member who has an interest required to be disclosed by this title shall disqualify himself/herself from voting on any matter involving any such interest which comes for official action before the Board of County Commissioners of Orange County. The following interests do not require disqualification:

(1) interest in real property which must be disclosed in Section 1 provided the issue before the Board of Commissioners is one of policy that affects the real property disclosed no differently than all other property similarly situated.

(2) an interest in business, firm, or corporation which is negligible from the point of view of the operation of the business, firm, or corporation.

Sec. 25. Any member who violates any provision of this title shall be guilty of a misdemeanor and may be fined not more than one thousand dollars (\$1,000) or imprisoned not more than one year, or both. Any member who is convicted of a wilful second violation of any provision of this act shall forfeit his/her elected or appointed office, and such office shall be considered vacant as of the date of the final judgment of conviction.

Sec. 26. This Title shall apply only to Orange County.

TITLE VIII. PITTSBORO PARKING.

Sec. 27. (a) G.S. 20-162.1 is amended by deleting "one dollar (\$1.00)", and substituting "not more than five dollars (\$5.00)".

(b) This section applies to the Town of Pittsboro only.

Sec. 28. (a) Whenever evidence shall be presented in any court of the fact that any automobile, truck, or other vehicle was found upon any street, alley or other public place contrary to and in violation of the provisions of any municipal ordinance limiting the time during which any such vehicle may be parked or prohibiting or otherwise regulating the parking of any such vehicle, it shall be **prima facie** evidence in any court in the State of North Carolina that such vehicle was parked and left upon such street, alley or public way or place by the person, firm or corporation in whose name such vehicle is then registered and licensed according to the records of the department or agency of the State of North Carolina, by whatever name designated, which is empowered to register such vehicles and to issue licenses for their operation upon the streets and highways of this State; provided, that no evidence tendered or presented

under the authorization contained in this section shall be admissible or competent in any respect in any court or tribunal, except in cases concerned solely with violation of ordinances limiting, prohibiting or otherwise regulating the parking of automobiles or other vehicles upon public streets, highways, or other public places.

(b) The **prima facie** rule of evidence established by subsection (a) shall not apply to the registered owner of a leased or rented vehicle parked in violation of law when said owner can furnish sworn evidence that the vehicle was, at the time of the parking violation, leased or rented, to another person. In such instances, the owner of the vehicle shall, within a reasonable time after notification of the parking violation, furnish to the courts the name and address of the person or company who leased or rented the vehicle.

(c) This section only applies as to civil penalties under G.S. 160A-175(c), and only applies where the civil penalty under the ordinance does not exceed five dollars (\$5.00).

(d) This section applies to the Town of Pittsboro only.

TITLE IX. CHATHAM ZONING NOTICES.

Sec. 29. (a) Chapter 595, Session Laws of 1985, is repealed.

(b) Effective January 1, 1988, Chapter 595, Session Laws of 1985, is reenacted.

(c) This section applies only to Chatham County and incorporated municipalities located therein.

TITLE X. PITTSBORO EXTRATERRITORIAL ASSESSMENTS.

Sec. 30. (a) A town has the same authority within its extraterritorial planning jurisdiction as established by Article 19 of Chapter 160A of the General Statutes or established by local act to make special assessments under G.S. 160A-216(3) or (4), but such assessments must be held in abeyance without interest until improvements on the assessed property are actually connected to the water or sewer system.

(b) This section applies only to the Town of Pittsboro.

TITLE XI. PITTSBORO ANNEXATION

Sec. 30.1. Article II of the Charter of the Town of Pittsboro, Chapter 348, Session Laws of 1973, is amended by adding a new section to read:

"Sec. 2.3. **Inco Statellite Corporate Boundaries.** The area more particularly described hereinafter shall be annexed to and a part of the town of Pittsboro as follows:

All that certain tract or parcel of land located in Center Township, Chatham County, North Carolina, being more particularly described as follows:

'BEGINNING at an iron pin in the southeast corner of property retained by K. W. Cooper and W. D. Harris, said iron pin also being the western margin of property of M. H. White, which BEGINNING point is located the following courses and distances from North Carolina Geological Survey monument "Gunter" (which monument has N. C. coordinates North 716,720.247, East 1,954,239.754); South 10 degrees 13 minutes 33 seconds West 2,465.11 feet to an iron pin and thence South 10 degrees 09 minutes 36 seconds East 298.98 feet to an iron pin to said BEGINNING point; thence from said BEGINNING point along M. H. White's western boundary South 10 degrees 09 minutes 36 seconds East 1,252.02 feet to an iron pin; thence continuing along W. H. White's

western boundary South 13 degrees 40 minutes 54 seconds East 744.93 feet to a point in the centerline of Roberson's Creek (also known as Robertson's Creek), said point being the intersection of Roberson's Creek and the mouth of the branch thence along the centerline of Roberson's Creek the following courses and distances: South 60 degrees 25 minutes 50 seconds West 258.54 feet to a point; thence South 83 degrees 14 minutes 36 seconds West 535.80 feet to a point; thence North 87 degrees 52 seconds 09 minutes West 461.96 feet to a point; thence South 58 degrees 31 minutes 12 seconds West 198.47 feet to a point; thence North 59 degrees 32 minutes 32 seconds West 455.56 feet to a point; thence North 68 degrees 46 minutes 53 seconds West 416.48 feet to a point; thence South 77 degrees 08 minutes 43 seconds West 103.57 feet to a point; thence South 77 degrees 08 minutes 43 seconds West 103.57 feet to a point; thence North 31 degrees 17 minutes 31 seconds West 192.17 feet to a point; thence North 14 degrees 10 minutes 07 seconds West 255.51 feet to a point; thence North 09 degrees 36 minutes 09 seconds West 369.87 feet to a point; thence North 06 degrees 57 minutes 19 seconds West 357.44 feet to a point; thence North 26 degrees 53 minutes 46 seconds East 160.00 feet to a point; thence North 51 degrees 43 minutes 19 seconds East 209.82 feet to a point; thence North 35 degrees 49 minutes 07 seconds West 138.72 feet to a point; thence North 31 degrees 11 minutes 13 seconds West 147.24 feet to a point; thence leaving the centerline of Robertson's Creek North 41 degrees 31 minutes 30 seconds East 20.13 feet to an iron pin; thence continuing North 41 degrees 31 minutes 30 seconds East 289.87 feet to an iron pin in the southern boundary of property retained by K. W. Cooper and W. D. Harris; thence along the Cooper and Harris southern boundary North 90 degrees 00 minutes 00 seconds East 1,854.87 feet to the point and place of BEGINNING.

The above description is taken from that certain survey by Law Engineering Testing Company of the Novamet Facility for Inco Alloys International, Inc., dated March 4, 1986 and last revised May 28, 1986, which survey is incorporated herein by reference for a more particular description. The above described property contains approximately 105.13 acres, and is a portion of the K. W. Cooper and W. D. Harris property described in Deed Book 484, Page 647, of the Chatham County Registry.'

Sec. 30.2. Section 30.1 of this act shall be effective July 1, 1988."

Sec. 31. Nothing in this act authorizes any county or town to acquire any rights-of-way for the State Highway System, or authorizes any county or town to construct any street or highway on the State Highway System.

Sec. 32. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 23rd day of June, 1987.