

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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SENATE BILL 447

Short Title: No Monetary Exaction for Development. (Public)

Sponsors: Senator Hoyle.

Referred to: State and Local Government.

March 9, 2009

1 A BILL TO BE ENTITLED
2 AN ACT TO CLARIFY THAT A LOCAL GOVERNMENT MAY NOT IMPOSE A TAX,
3 FEE, OR MONETARY CONTRIBUTION FOR DEVELOPMENT THAT IS NOT
4 SPECIFICALLY AUTHORIZED BY LAW.

5 The General Assembly of North Carolina enacts:

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

7 "**§ 153A-320. Territorial ~~jurisdiction.~~jurisdiction; limitation of authority.**

8 (a) Jurisdiction. – Each of the powers granted to counties by this Article, by Chapter
9 157A, and Article and by Chapter 160A, Article 19 may be exercised throughout the county
10 except as otherwise provided in G.S. 160A-360.

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

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

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

21 SECTION 3. G.S. 160A-360 reads as rewritten:

22 "**§ 160A-360. Territorial ~~jurisdiction.~~jurisdiction; limitation of authority.**

23 ...
24 (k) A city may not impose or exact a tax, fee, or monetary contribution for development
25 or a development permit unless specifically authorized by law. The terms 'development' and
26 'development permit' have the same meanings as defined in G.S. 160A-400.21."

27 SECTION 4. G.S. 160A-400.20(b) reads as rewritten:

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

33 SECTION 5. This act is effective when it becomes law, and Sections 2 and 4 of
34 this act apply to development agreements entered into on or after that date.

