

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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SENATE BILL 576

Short Title: Wake Forest Facility Fees.

(Local)

Sponsors: Senator Speed.

Referred to: Local Government and Regional Affairs.

March 22, 1989

A BILL TO BE ENTITLED

AN ACT TO ALLOW THE TOWN OF WAKE FOREST TO IMPOSE FACILITY FEES.

The General Assembly of North Carolina enacts:

Section 1. Purpose. It is the purpose of this act to place an equitable share of the cost of providing new community service facilities upon all new inhabitants and upon those associated with the development process.

Sec. 2. Definitions. The following definitions apply in this act unless the context clearly requires otherwise:

(1) "Community service facilities" means public facilities or improvements provided or established by the local government or in conjunction with other units of government including, but not limited to utility facilities, transportation facilities, parks and recreation facilities, drainage and water quality protection facilities.

(2) "Facility fee" means the charge imposed on new or expanded development in relation to the impact placed on Town facilities.

(3) "Capital costs" means costs spent for developing community service facilities.

Sec. 3. An ordinance adopted under this act 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 G.S. 160A-360.

Sec. 4. The Town of Wake Forest is authorized to enact ordinances, resolutions, rules and regulations that are necessary or expedient for the execution and effectiveness of this act.

1 Sec. 5. The Town of Wake Forest shall have the right, power, and authority
2 to impose and collect a regulatory fee on all new or expanded development that occurs
3 within the Town or its extraterritorial jurisdiction.

4 Sec. 6. The amount of each facility fee shall be based upon qualified needs
5 and specific classifications and rates, which shall be uniformly applied to all members.
6 However, the classification shall be based upon the amount, the costs and the extent of
7 the additional burden being placed upon the public facilities by particular types and
8 sizes of development.

9 Sec. 7. Monies for each particular facility for which a facility fee is collected
10 shall be placed in a separate trust fund. All such revenues shall be spent for the capital
11 facilities for which they were collected and such benefits shall not be exclusive, that is,
12 persons or developers who pay a facility fee hereunder shall not obtain any rights to use
13 public facilities greater than any other member of the public in a similar classification or
14 situation. Separate service areas and zones with separate trust funds may be established.

15 Sec. 8. The powers conferred in this act shall be supplementary to all other
16 powers and procedures authorized by any other general or local law. Assessments,
17 charges, fees or rates authorized by any other general or local law are not affected by
18 this act.

19 Sec. 9. The following shall be the procedure for hearing appeals concerning
20 the amount of a facilities fee or concerning the propriety or illegality of any zone
21 division or classification or rate. Any person who feels aggrieved by any action by the
22 Town of Wake Forest pursuant to this act must first pay the amount of the facilities fee
23 so charged to him, with such amount clearly marked as paid under protest, and
24 thereafter give notice of appeal within a period of 30 days after such payment. Such
25 notice shall be delivered by personal service or registered or certified mail, return
26 receipt requested, directed to the town administrator. A public hearing shall be held to
27 review said matter within a period of 35 days following receipt of notice of appeal; the
28 decision upon said appeal shall then be subject to review by the Superior Court by
29 proceedings in the nature of certiorari; any petition for review by the Superior Court
30 shall be filed with the Clerk of Superior Court of Wake County within a period of 30
31 days following the date the decision of the Wake Forest Board of Commissioners is
32 delivered in writing to the appealing party, said delivery to be either by personal service
33 or by registered mail or certified mail, return receipt requested.

34 Sec. 10. This act applies only to the Town of Wake Forest.

35 Sec. 11. This act is effective upon ratification.