

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 854

Short Title: Garner Facility Fee Change.

(Local)

Sponsors: Representative Hensley (By Request).

Referred to: Ways and Means, if favorable, Finance.

April 7, 1997

A BILL TO BE ENTITLED

**AN ACT CONCERNING WATER AND SEWER CAPACITY REPLACEMENT
FACILITY FEES BY THE TOWN OF GARNER.**

Whereas, by Chapter 608 of the 1989 Session Laws, the Charter of the Town of Garner was amended to authorize the Town to adopt ordinances to require the payment of certain impact fees, and specifically water and sewer "capacity replacement facility fees," allowing the Town to recover a proportionate amount of the capital costs associated with the expansion of the Town's water or sewer treatment capacity as a result of new construction; and

Whereas, the Charter amendment and subsequent Town of Garner amendment to its land-use ordinance defines the "new construction" to which such fees are applicable as "any new development, construction or installation that results in a real property improvement that requires a conditional use permit, subdivision, or conditional use permit site plan, but excepting installation or erection of fences or signage"; and

Whereas, the Town of Garner proposes to streamline its land-use permit process including adopting the terminology "special use permit," used by other municipalities in Wake County, and proposes a new and more flexible definition of the "new construction" for which such impact fees may be applicable; Now, therefore, The General Assembly of North Carolina enacts:

1 Section 1. Section 5.8(5) of Article V of the Charter of the Town of Garner,
2 being Chapter 608 of the 1989 Session Laws, reads as rewritten:

3 "(5) 'New construction' means any new development, construction, or
4 installation that results in a real property improvement ~~that requires a~~
5 ~~Conditional Use Permit Subdivision or Conditional Use Permit site~~
6 ~~plan, but excepting installation or erection of fences or signage for~~
7 which the Town of Garner land-use ordinance requires a conditional use
8 permit subdivision, conditional use permit site plan, special use permit,
9 site plan, or similar land-use permit duly issued by the Town Board or
10 land-use administrator by whatever name."

11 Section 2. The Town of Garner may enact ordinances, resolutions, rules and
12 regulations that are necessary or expedient to implement this act.

13 Section 3. The powers conferred in this act shall be supplementary to all other
14 powers and procedures authorized by any other general or local law. Assessments,
15 charges, fees, rates, or impact fees authorized by any other general or local laws are not
16 affected by this act.

17 Section 4. This act shall apply only to the Town of Garner and its area of
18 extraterritorial planning jurisdiction.

19 Section 5. This act is effective when it becomes law.