

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003**

**SENATE BILL 494
RATIFIED BILL**

AN ACT TO ALLOW THE TOWN OF CARRBORO TO REQUIRE SPRINKLERS IN BARS, CLUBS, AND OTHER SIMILAR PLACES OF PUBLIC ASSEMBLY THAT HAVE GATHERINGS OF MORE THAN ONE HUNDRED PEOPLE AND SELL ALCOHOLIC BEVERAGES AND TO AUTHORIZE THE TOWN OF CHAPEL HILL TO POSTPONE FOR TWELVE MONTHS THE APPROVAL OF SPECIAL USE PERMITS AND SITE PLANS PROPOSED ON SITES RESERVED AS SCHOOL SITES ON THE TOWN'S ADOPTED COMPREHENSIVE LAND-USE PLAN.

The General Assembly of North Carolina enacts:

SECTION 1. Section 9-5 of the Charter of the Town of Carrboro, being Chapter 476 of the 1987 Session Laws, as amended, reads as rewritten:

"Section 9-5. Sprinkler Systems.

(a) Notwithstanding any provision of the North Carolina State Building Code or any general or local law to the contrary, the board of aldermen may adopt an ordinance requiring that sprinkler systems be installed in all of the following types of buildings constructed within the town or its extraterritorial planning jurisdiction: (i) buildings in excess of 50 feet in height; (ii) nonresidential buildings containing at least 5,000 square feet of floor surface area; or (iii) buildings designed for assembly occupancy (as defined in the North Carolina State Building Code) that accommodate more than 25 people. This ordinance applies to existing buildings only to the extent and under the circumstances that the provisions of the North Carolina State Building Code apply to preexisting buildings.

(b) Notwithstanding any provision in the North Carolina State Building Code or any other provision of law, the Board of Aldermen may adopt an ordinance requiring that sprinkler systems be installed in bars, clubs, and other places of public assembly that are designed for occupancy by 100 or more persons and that sell alcoholic beverages. The ordinance does not apply to restaurants. This ordinance may be made applicable to any new occupancy prior to issuance of a certificate of occupancy. The ordinance may also be made applicable to any existing occupancy at the end of a period of three years following the date of enactment of the ordinance."

SECTION 2. G.S. 160A-381 is amended by adding a new subsection to read:

"(d) An ordinance enacted under the authority of this Part may provide for the reservation of school sites in accordance with comprehensive land-use plans approved by the council or the planning agency. In order for this authorization to become effective, before approving such plans the council or planning agency and the board of education with jurisdiction over the area shall jointly determine the specific location and size of any school sites to be reserved, which information shall appear in the comprehensive land-use plan. Prior to the adoption of such plans (or of any amendment to such plans) affecting areas reserved for schools, the owner of that parcel of land reserved for schools or proposed to be reserved for schools, or any portion thereof, as shown on the county tax records, and the owners of all parcels of land abutting that parcel, as shown on the county tax records, shall be mailed a notice of the proposed plans or amendment to plans by first class mail at the addresses shown on such county

tax records. Whenever a special use permit or site plan development is submitted for approval which includes part or all of a school site to be reserved under the plan, the council or planning agency shall immediately notify the board of education and the board shall promptly decide whether it still wishes the site to be reserved. If the board of education does not wish to reserve the site, it shall so notify the council or planning agency and no site shall be reserved. If the board does wish to reserve the site, the special use permit or site plan development shall not be approved without such reservation. The board of education shall then have 12 months beginning on the date of final approval of the special use permit or site plan development within which to acquire the site by purchase or by initiating condemnation proceedings. If the board of education has not purchased or begun proceedings to condemn the site within 12 months, the owner and applicant for the special use permit or site plan development may treat the land as freed of the reservation."

SECTION 3. Section 1 of this act applies to the Town of Carrboro only. Section 2 of this act applies to the Town of Chapel Hill only and shall apply in that area where the Town of Chapel Hill exercises territorial planning jurisdiction, including any area under that Town's jurisdiction pursuant to a Joint Planning Agreement with Orange County.

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

In the General Assembly read three times and ratified this the 19th day of June, 2003.

Beverly E. Perdue
President of the Senate

James B. Black
Speaker of the House of Representatives