

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

S

D

SENATE DRS15035-MC-78 (2/12)

Short Title: No Monetary Exaction for Development.

(Public)

Sponsors: Senator Hoyle.

Referred to:

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.

