GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 840

Short Title: Garner Facility Fee.

(Local)

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Sponsors: Representatives Wiser; Fussell and Stamey.

Referred to: Government.

March 23, 1989

A BILL TO BE ENTITLED

2	AN ACT TO AMEN	D THE CHA	RTER OF TI	HE TOWN	N OF GA	ARNER RE	ELAT	ING
3	TO WATER OR S	SEWER CAP.	ACITY REPL	ACEMEN	IT FACI	LITY FEE		
4	Whereas, 1	rapid growth	through the	e influx o	of new	residents	and	new

construction impose increased capital costs on the Town of Garner, and the amount of
federal aid to towns to accommodate growth and development is being reduced; and

7 Whereas, unless new regulatory authority is granted to complement other 8 existing land use control regulations, the very community service facilities which make 9 Garner and its environs a desirable place to work and live will be overburdened; and

Whereas, it is the purpose of this act to better enable the Town of Garner to accommodate orderly growth and development within its corporate limits and extraterritorial jurisdiction by providing it with new methods of regulating development to meet increased demands for community service facilities and to provide off-site community service facilities generated by new construction and to protect water quality in accordance with the Swift Creek drainage basin management plan; and

Whereas, it is the further purpose of this act to place an equitable share of the cost of providing new community service facilities on all new inhabitants, occupants, and construction and not just developments regulated pursuant to Part 2, Article 19, of Chapter 160A of the General Statutes; Now, therefore,

20 The General Assembly of North Carolina enacts:

21 Section 1. That Article V of the Charter of the Town of Garner, captioned 22 "Public Improvements,"being Chapter 333, Sessions Laws of 1977, and relating to that 23 subject is amended by adding the following new sections to read:

²⁴ "Sec. 5.8. Drainage project facility fee.

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1 (a) Definitions. The following words in this section are defined for this 2 subdivision as follows, unless the contrary clearly appears from the context:

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26 27 (1) 'Drainage project' means public storm drainage improvements provided or established by the Town or in conjunction with other units of government which are required in addition to those required by the subdivision regulations.

- (2) 'Pond project' means retention or detention ponds established for control or limit of water run-off from developments and to protect water quality, whether established by a developer or by the Town or in conjunction with other units of governments.
- (3) 'Facility fee' means a monetary charge on development to recoup a proportionate share of the capital costs required to accommodate that development with necessary public facility and regarding which there must be a reasonable connection between community growth generated by new development and the need for additional facilities to serve that growth.
- (4) 'Capital costs' means costs spent for developing new public drainage projects; such costs may include land acquisition, design, and construction interest and expenses in connection with issuance and debt service of bonds for the project, and no other.
 - (5) 'Developer' means an individual, corporation, partnership, organization, association, firm, political subdivision, or other legal entity constructing or creating new construction.
- (6) 'New construction' means any new development, construction, or installation that results in real property improvement which requires a Conditional Use Permit Subdivision or Conditional Use Permit site plans, but excepting installation or erection of fences or signage.

(b) The Board of Aldermen may, as part of its land use ordinance require that a developer provide funds that the Town will use as a part of the capital costs of additional drainage projects related to the particular subdivision or development, and these funds may be used for projects which serve more than one subdivision or development within the Town. All funds received by the Town pursuant to this section shall be used only for the capital costs of developing of such projects and no other uses.

The Board of Aldermen may, as a part of its land use ordinance require that a 34 (c)35 developer provide funds that the Town will use as a part of the operating costs of 36 monitoring, inspecting, draining, dredging or otherwise maintaining or repairing 37 retention and detention ponds, or the capital cost of constructing the same and these 38 funds may be placed in a pool of funds and used for pond projects which serve more 39 than one subdivision or development within the Town. All funds received by the Town pursuant to this section shall be used only for the capital costs of developing of such 40 projects and no other uses. 41

42 "Sec. 5.9. Water or sewer capacity replacement facility fee.

43 (a) Definitions. The following words in this section are defined for this section44 as follows, unless the contrary clearly appears from the context:

	1989 GENERAL ASSEMBLY OF NORTH CAROLI					
1	(1)	'Water or sewer project' means public water or sewer improvements				
2		provided or established by the Town or in conjunction with other units				
3		of government which are required in addition to those required by the				
4		subdivision regulations.				
5	(2)	'Facility fee' means a monetary charge on development to recoup a				
5		proportionate share of the capital costs required to accommodate that				
7		development with necessary public facility and regarding which there				
3		must be a reasonable connection between community growth				
)		generated by new development and the need for additional facilities to				
		serve that growth.				
	(3)	'Capital costs' means costs spent for developing new public water or				
		sewer projects; such costs may include land acquisition, design, and				
		construction interest and expenses in connection with issuance and debt service of bonds for the project and no other				
	(4)	debt service of bonds for the project, and no other. 'Capacity replacement facility fee' means a particular type of facility				
	(+)	fee designed to recover a proportionate amount of the capital costs				
,		associated with the expansion of the Town's water or sewer treatment				
		capacity which would be allocated to the new development.				
	(5)	'Developer' means an individual, corporation, partnership,				
	(-)	organization, association, firm, political subdivision, or other legal				
		entity constructing or creating new construction.				
	(6)	'New construction' means any new development, construction, or				
		installation that results in real property improvement which requires a				
		Conditional Use Permit Subdivision or Conditional Use Permit site				
		plans, but excepting installation or erection of fences or signage.				
		Board of Aldermen may, as a part of its land use ordinance require that a				
		vide funds that the Town will use as a part of the capital costs of				
	constructing facilities for additional production impoundment or treatment capacity					
	based on replacing the actual costs, at present dollars, of the replacement of the capacity					
	allocation to the particular subdivision or development, and these funds may be used for					
	replacing impoundment or treatment capacity which serve more than one subdivision or development within the Town All funds received by the Town pursuant to this section					
	development within the Town. All funds received by the Town pursuant to this section shall be used only for the applied easts of developing of impoundment or treatment					
	shall be used only for the capital costs of developing of impoundment or treatment facilities and no other uses. Any formula adopted to determine the amount of funds the					
	developer is to pay shall be based on the daily water consumption or daily wastewater					
	flow levels allocated or reasonably attributable to the particular subdivision or					
	development."					
	Sec. 2. The Town is authorized to enact ordinances, resolutions, rules and					
	regulations that are necessary or expedient to implement this act.					
	Sec. 3. The powers conferred in this act shall be supplementary to all other					
	powers and procedures authorized by any other general or local law. Assessments,					
2	charges fees or rates authorized by any other general or local law are not affected by					

42 charges, fees, or rates authorized by any other general or local law are not affected by43 this act.

- 1 Sec. 4. This act shall apply only to the Town of Garner, and its area of 2 extraterritorial planning jurisdiction.
- 3 Sec. 5. This act is effective upon ratification.