

Local Government

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H89 - Housing Authority Transfers. (SL 2017-178)

S.L. 2017-178 allows municipalities to transfer the powers, duties, and responsibilities of a public housing authority to a regional council of government. The date of the abolition of the authority is set in the city's council's resolution abolishing the authority and is a date that will allow sufficient time to wind down the operations of the housing authority. The act became effective July 25, 2017, but does not apply to cities with a population of greater than 250,000.

H119 - Clarify Vacancy Elections - County Commission. (SL 2017-2)

S.L. 2017-2 clarifies that, in the event of a vacancy during a four-year county board of commissioners' term, the length of the appointment to fill the vacancy is determined by the date of the next general election for county commissioner, not just a general election in which all precincts in that county are open on election day.

This act became effective March 16, 2017, and applies to vacancy elections held on or after that date.

H142 - Reset of S.L. 2016-3. (SL 2017-4)

S.L. 2017-4 does the following:

- Repeals S.L. 2016-3 and S.L. 2016-99.
- Preempts regulation of access to multiple occupancy restrooms, showers, or changing facilities by any State or local government, except in accordance with an act of the General Assembly.
- Prohibits a local government from enacting or amending an ordinance regulating private employment practices or regulating public accommodations. This section expires December 1, 2020.

This act became effective March 30, 2017.

H158 - Special Assessments/Critical Infrastructure. (SL 2017-40)

S.L. 2017-40 does two things:

- It authorizes a county or city to contract with a private party to construct a project on behalf of the county or city, and to reimburse the private party for costs incurred by the private party related to the project from the imposition of special assessments on the benefited property owners. The county or city would not be obligated to reimburse the private party any amount in excess of assessment revenues actually collected, less the entity's related administrative expenses.

- It clarifies who may be entitled to the proceeds of a performance guarantee issued by a developer to a county or city to assure successful completion of required improvements by the developer under a subdivision control ordinance.

This act became effective June 21, 2017, and applies to assessments made on or after that date.

H252 - Building Code Regulatory Reform. (SL 2017-130)

S.L. 2017-130 makes several changes to building inspection procedures for counties and cities, including:

- Prohibiting the adoption or enforcement of any existing regulation requiring regular, routine building inspections, without first obtaining approval from the North Carolina Building Code Council;
- Adding new inspection requirement exemptions for persons supervised by architects or engineers and new exemptions for engineered components and elements certified as compliant by the manufacturer;
- Creating a new informal review process for inspection decisions made by county and city inspectors;
- Allowing a building permit applicant to choose which version of an interpretation will apply to the permit, if an interpretation changes after the building permit is issued;
- Exempting certain lots from needing separate meters for new irrigation systems; and
- Exempting therapeutic equine facilities from the State Building Code.

This act became effective October 1, 2017, except for the section exempting therapeutic equine facilities from the State Building Code, which became effective July 20, 2017.

H310 - Wireless Communications Infrastructure Siting. (SL 2017-159)

H436 - Local Government/Regulatory Fees. (SL 2017-138)

S.L. 2017-138 establishes a uniform authority for system development fees to be charged by a publicly operated water or sewer system, or both, effective October 1, 2017, applying to system development fees imposed on or after that date. The act also clarifies that the statute of limitations is three years for repayment of an unlawful fee, charge, or exaction imposed by a local unit of government, applying to claims accrued or pending prior to and after July 20, 2017.

H469 - Regulation of Fully Autonomous Vehicles. (SL 2017-166)

S.L. 2017-166 regulates fully autonomous vehicles and makes various changes to various existing motor vehicle laws to account for the operation of fully autonomous vehicles on the roadways of this State without a human driver.

This act becomes effective December 1, 2017, and applies to offenses committed on or after that date.

H530 - Counties/Condemnation of Unsafe Bldgs/Liens. (SL 2017-109)

S.L. 2017-109 grants counties the same authority provided to cities in condemnation actions by allowing counties to do the following:

- Condemn nonresidential buildings or structures and residential buildings if an ordinance is adopted, under certain conditions.
- Remove or demolish unsafe buildings or structures.
- Place a lien on real property of the owner for the cost of removal or demolition.

This act became effective July 12, 2017.

H559 - Outdoor Heritage Enhanced. (SL 2017-182)

S.L. 2017-182 expands Sunday hunting with firearms by removing certain restrictions on Sunday hunting on private land, allowing Sunday hunting on game lands, and allowing migratory bird hunting on Sunday subject to the rules of the Wildlife Resources Commission (WRC). WRC may not authorize Sunday hunting of migratory birds prior to March 1, 2018, and must complete a study examining biological and resource management impacts, economic impacts, and social impacts associated with hunting migratory birds on Sunday by March 1, 2018. The law now requires any county ordinance prohibiting hunting on Sunday to be approved by a majority of voters in a county-wide referendum.

The portion of the law pertaining to ordinances prohibiting Sunday hunting becomes effective October 1, 2017. The remainder of S.L. 2017-182 became effective July 25, 2017.

H740 - Search and Rescue Rename/Disputed County Boundaries/Mapping. (SL 2017-170)

S.L. 2017-170 modernizes and updates statutes related to the urban search and rescue program and the North Carolina Geodetic Survey, including the following:

- Changes the name of the Urban Search and Rescue Program to the North Carolina Search and Rescue Program, and directs the Secretary of the Department of Public Safety to include reliance on memorandums of understanding and agreement with contract response teams in search and rescue efforts.
- Directs the North Carolina Geodetic Survey to assist counties in defining and reestablishing the location of an uncertain or disputed boundary, upon receiving written request from all counties adjacent to the uncertain or disputed boundary.
- Requires that maps, drawings, or documents identifying the protected mountain ridges be housed with the office of the North Carolina Geodetic Survey, NC Emergency Management, in Raleigh.

The section of the act pertaining to the search and rescue program became effective July 1, 2017. The sections of the act pertaining to the North Carolina Geodetic Survey became effective July 21, 2017.

H764 - Expansion of Metropolitan Sewerage District / Board Appointments. (SL 2017-26)

S.L. 2017 allows a political subdivision to request inclusion into a metropolitan sewerage district (MSD) of all, or part of, the political subdivision, and requires that when new territory is expanded into a MSD, any county without representation on the MSD district board must be represented by three additional board members who are qualified voters residing within the new territory appointed by the county board of commissioners governing the new territory. The act became effective June 8, 2017 and applies to any MSD expansion on or after that date.

S55 - School Bus Cameras/Civil Penalties. (SL 2017-188)

S.L. 2017-188 authorizes counties to impose a civil penalty on the owner of a vehicle that is recorded unlawfully passing a stopped school bus by a school bus safety camera, as long as the driver is not criminally prosecuted and no injury or death occurred. Failure to pay the civil penalty will prevent the owner from registering the vehicle with the Division of Motor Vehicles (DMV). Counties enacting the ordinance must maintain records of all violations resulting in imposition of a civil penalty and provide them upon request to the North Carolina Child Fatality Task Force and the General Assembly. Local school boards may contract with private vendors to install and operate the school bus safety cameras. The act's vehicle registration provision becomes effective July 25, 2018, and applies to payment delinquencies reported to the DMV on or after that date. The remainder of the act became effective July 25, 2017.

S131 - Regulatory Reform Act of 2016-2017.

2.3: Regulatory Reform Act of 2016-2017. (SL 2017-10)

Sec. 2.3 of S.L. 2017-10 requires local boards of education to comply with criteria that must be met by a local government for the local government to displace a private company that is providing collection services for municipal solid waste or recovered materials within the local government's jurisdiction.

This section became effective May 4, 2017.

S181 - Electronic Notice - Guilford County. (SL 2017-210)

S.L. 2017-210 does both of the following:

- Authorizes Guilford County, any municipality located wholly or partly therein, and the Guilford County Board of Elections to adopt an ordinance authorizing electronic publication of public notices and advertisements on their local government web sites in lieu of, or in addition to, newspaper publication.
- Authorizes the Guilford County Board of Commissioners to adopt an ordinance allowing general legal notices to be published on the County web site in lieu of newspaper publication.

This act became effective October 5, 2017, and applies notices published on or after December 1, 2017.

S257 - Appropriations Act of 2017.

Sec. 16C.2: Reimburse Counties for Housing and Extraordinary Medical Expenses. (SL 2017-57)

Sec. 16C.2 of S.L. 2017-57 authorizes the Department of Public Safety (DPI) to use funds available to it for the 2017-2019 fiscal biennium to reimburse counties up to \$40 per day per prisoner for the cost of housing convicted inmates, parolees, and post-release supervisees awaiting transfer to the State prison system.

DPI must report annually by February 1 of each year to the chairs of the Joint Legislative Oversight Committee on Justice and Public Safety and the chairs of the House of Representatives Appropriations Committee on Justice and Public Safety and the Senate Appropriations Committee on Justice and Public Safety on the expenditure of funds to reimburse counties for prisoners awaiting transfer.

This section became effective July 1, 2017.