



HOUSE BILL 1131: Town of Andrews/ETJ Authority.

2016-2017 General Assembly

Committee:	Senate State and Local Government	Date:	June 13, 2016
Introduced by:	Rep. West	Prepared by:	Erika Churchill
Analysis of:	First Edition		Committee Counsel

SUMMARY: *House Bill 1131 would require the approval of the board of county commissioners before the Town of Andrews may exercise its power of extraterritorial jurisdiction within a mile of the Town's corporate limits.*

CURRENT LAW: Extraterritorial Jurisdiction (ETJ) is the power of a municipality to exercise specified regulatory functions, mainly land use planning and regulation, in an area beyond its corporate limits. However, in order to regulate the ETJ area, the municipality must be exercising same power within its corporate limits. In addition, the municipality may not select different ETJ areas for different regulatory powers. If a municipality fails to exercise its ETJ authority, that territory is regulated by the county in which the property lies.

Generally, municipalities are authorized to exercise their ETJ powers up to the following limits:

- Up to one mile beyond its corporate limits.
- If the municipality is between 10,000 and 24,499 population, up to two miles beyond its corporate limits.
- If the municipality is 25,000 or more population, up to three miles beyond its corporate limits.

Limitations on this authority are that no city may extend its ETJ authority into any area for which the county at that time has done all of the following:

1. Adopted and is enforcing a zoning ordinance.
2. Adopted and is enforcing subdivision regulations.
3. Enforcing the State Building Code.

If the county has undertaken all three of these activities, then the municipality must get approval of the county commissioners prior to extension of the ETJ authority. G.S. 160A-360.

BILL ANALYSIS: The bill would require the Town of Andrews, in Cherokee County, to obtain the approval of the board of county commissioners prior to exercising its ETJ authority, regardless of whether Cherokee County is zoning, regulating subdivisions, and enforcing the State Building Code.

EFFECTIVE DATE: Effective when it becomes law.

Karen Cochrane-Brown
Director



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Legislative Analysis
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