

Topic:	State Land Use Law; Local Governance
Resource Type:	Regulations
State:	North Carolina
Jurisdiction Type:	State
Municipality:	N/A
Year (adopted, written, etc.):	2004
Community Type - applicable to:	Urban; Suburban
Title:	State of North Carolina Statutory Rules Ordinance - Cities
Document Last Updated in Database:	May 7, 2017

Abstract

In 1971, North Carolina adopted a legislative rule of broad construction of powers delegated to cities. Section 160A-4 provides that “the cities of this state should have adequate authority to execute the powers, duties, privileges, and immunities conferred upon them by law. To this end, the provisions of this Chapter and of the city charters shall be broadly construed and grants of power shall be construed to include any additional and supplementary powers that are reasonably necessary or expedient to carry them into execution and effect.”

In the 1990 case, *River Birch Assoc. v. Raleigh*, 326 N.C. 100, 388 S.E.2d 538, the North Carolina Supreme Court read § 160A-4 as validating a City of Raleigh ordinance that required a developer to create open space in a subdivision and convey title to it to a homeowner’s association. In 1994, the court again confirmed a city’s broad authority under § 160A-4 in *Homebuilders Assoc. of Charlotte, Inc. v. City of Charlotte*, 336 N.C. 37, 442 S.E.2d 45. There, the court upheld a City of Charlotte ordinance that imposed users’ fees on public services in the face of a challenge that such fees were ultra vires. However, as discussed in the section on Dillon’s Rule, above, there is at least some question about just how broad “broadly” is.

Resource

§ 160A-4. Broad construction

It is the policy of the General Assembly that the cities of this State should have adequate authority to execute the powers, duties, privileges, and immunities conferred upon them by law. To this end, the provisions of this Chapter and of city charters shall be broadly construed and grants of power shall be construed to include any additional and supplementary powers that are reasonably necessary or expedient to carry them into execution and effect: Provided, that the exercise of such additional or supplementary powers shall not be contrary to State or federal law or to the public policy of this State.