

EXTRA-TERRITORIAL JURISDICTION (ETJ)

Clayton citizens are welcomed and encouraged to attend town council meetings. Attending a council meeting allows you to be informed about the issues before the Clayton Town Council.

This issue of “Clayton Council Meeting – 101” will focus on extraterritorial jurisdiction, also known as ETJ.

In December 2007, the Johnston County Board of Commissioners approved the request by the Town of Clayton to extend its ETJ boundary up to two miles. After due notice and public hearing, the Town’s present two-mile ETJ boundary was adopted by the Clayton Town Council on March 3, 2008. Even though the Town grows through citizen initiated annexations and legislative annexations, the ETJ remains static. Meaning, the ETJ does not grow or expand as the Town’s corporate limits change.

According to David Owens, Professor of Public Law and Government at the School of Government, The University of North Carolina at Chapel Hill, extraterritorial jurisdiction (ETJ) is “the authority of a city to apply its zoning ordinance outside of the city limits. Cities in North Carolina generally have the authority to do this in an area immediately adjacent to the city, with the size of the area varying up to three miles depending on the population of the city.”

The maximum size of an ETJ request is contingent upon the population of the municipality according to the state’s annual official estimates of municipal population:

Municipal population	Maximum ETJ area
Up to 10,000	1 mile
10,000 to 25,000	2 miles
Over 25,000	3 miles

Additionally, the ETJ limits are a measured distance from the town’s principal corporate limits. ETJ does not extend outward from satellite areas.

When seeking ETJ, if the county has zoning and subdivision ordinances as well as housing and building codes or if the ETJ is more than one mile, then the municipality must secure an agreement from the county commissioners.

Presently, Johnston County enforces zoning and subdivision ordinances as well as housing and building codes and regulations throughout the county. The exceptions are the areas within the municipalities and within the ETJ areas. Properties within the municipality and within the ETJ areas are governed by the

zoning and subdivision ordinances and building codes and regulations of the municipality. This means persons in the ETJ who want to rezone a parcel, develop a subdivision or make an addition to an existing home would come to the municipal planning and inspections departments to obtain permits, not the Johnston County office.

Growth in an area adjacent to the Town can have a number of effects, such as:

- Changing the character of neighborhoods
- Increasing the demand for town services
- Impacting the town’s traffic patterns
- Affecting surrounding property values
- Impacting the existing water, sewer, and parks facilities

One of the most frequently heard comments is that ETJ means the land will be annexed into the Town. The last Town of Clayton initiated annexation was in May 1992 when properties were annexed in order to provide much needed water and sewer services. ETJ expansion does not mean property will be annexed and, in fact, ETJ has no legal relationship to annexation whatsoever. ETJ expansion means that property will come under the Town’s land use ordinances; i.e. zoning, subdivision, and building codes and regulations and persons would come to Clayton obtain permits. Whereas, when a property is annexed into the Town, it follows all the Town Code of Ordinances.

The below chart is a comparison and contrast of ETJ and annexation:

ETJ	Annexation
Immediately adjacent to the corporate limits	Adjacent or satellite
Maximum size of ETJ based upon population	No size limitation
Initiated by the Town; submitted to the County for approval; public hearing held by the Council to adopt ordinance setting ETJ and defining boundary	Initiated by all the property owners of the property as described in the petition; submitted to the Council; public hearing held by the Council to adopt annexation ordinance
ETJ is static; meaning it does not change after it is adopted.	Annexation is dynamic; meaning the physical boundaries of the Town limits changes when the Town Council approves an annexation request.
Town Boards & Committees – may serve on the Town’s Planning & Zoning Board or Board of Adjustment as an ETJ member	Town Boards & Committees - may serve on the Town Council or as an in-town member on any Town board or committee
Citizen of the County	Citizen of the Town and County

Taxes - County	Taxes – Town and County
Elections - Vote in county, state, and federal elections	Elections - Vote in municipal, county, state, and federal elections
Ordinances – Only Town of Clayton land use ordinances apply (zoning, subdivision, and building code)	Ordinances – All Town ordinances apply
Except for land use, planning, and inspections; services such as law enforcement and animal control are through the County.	Citizens of the Town may receive services such as police, animal control and leaf collection.

If you have suggestions for the next “Clayton Council Meeting – 101” article, please contact the Town Clerk.

We look forward to seeing you at Town Council meetings.