

GENERAL ASSEMBLY OF NORTH CAROLINA
1983 SESSION

CHAPTER 321
SENATE BILL 252

AN ACT TO AMEND THE COUNTY SPECIAL ASSESSMENTS LAW (G.S. CHAPTER 153A, ARTICLE 9) WITH RESPECT TO SMALL WATERSHEDS, DRAINAGE PROGRAMS, AND MAINTENANCE CHARGES, TO AUTHORIZE COUNTY SPENDING AND TAXES FOR DRAINAGE PROJECTS, AND TO MAKE RELATED CHANGES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 153A-185(3) is hereby rewritten to read as follows:

"(3) Acquiring, constructing, reconstructing, extending, renovating, enlarging, maintaining, operating, or otherwise building or improving

- a. beach erosion control or flood and hurricane protection works; and
- b. watershed improvement projects, drainage projects and water resources development projects (as those projects are defined in G.S. 153A-301)."

Sec. 2. G.S. 153A-186(b) is hereby amended by: (a) inserting at the end of line 1 thereof the words and punctuation "watershed improvement projects, drainage projects and water resources development projects,": (b) inserting in line 1 of G.S. 153A-186(b)(2) the words "or watercourse" immediately following the word "shoreline".

Sec. 3. G.S. 153A-186(c) is hereby amended by rewriting line 5 thereof to read as follows:

"flood and hurricane protection works, watershed improvement projects, drainage projects and water resources development projects, to the distance from the shoreline or watercourse, the".

Sec. 4. G.S. Chapter 153A is hereby amended by adding the following section after G.S. 153A-204:

"§ 153A-204.1. Maintenance assessments . – (a) In order to pay for the costs of maintaining and operating a project, the board of commissioners may annually or at less frequent intervals levy maintenance and operating assessments for any project purpose set forth in G.S. 153A-185(3) on the same basis as the original assessment. The amount of these assessments shall be determined by the board of commissioners on the basis of the board's estimate of the cost of maintaining and operating a project during the ensuing budget period, and the board's decision as to the amount of the assessment is conclusive. In determining the total cost to be included in the assessment the board may include estimated costs of maintaining and operating the project, of necessary legal

services, of interest payments, of rights-of-way, and of publishing and mailing notices and resolutions. References to 'total costs' in provisions of this Article that apply to maintenance and operating assessments shall be construed to mean 'total estimated costs'. Within the meaning of this section a 'budget period' may be one year or such other budget period as the board determines.

(b) All of the provisions of this Article shall apply to maintenance and operating assessments, except for G.S. 153A-190 through G.S. 153A-193."

Sec. 5. G.S. 153A-440.1 is amended by designating the current text thereof as subsection (a) and by adding at the end thereof the following:

"(b) A county may establish and maintain drainage projects and water resources development projects (as those projects are defined by G.S. 153A-301) and for these purposes may appropriate funds not otherwise limited as to use by law. A county drainage project or water resources development project may also be financed pursuant to G.S. 153A-301, G.S. 153A-185, or by any other financing method available to counties for this purpose."

Sec. 6. G.S. 153A-440.1(a), as so designated by Section 5 of this act, is hereby amended by inserting in line 5 thereof after the reference "153A-301" a comma followed by the reference "G.S. 153A-185".

Sec. 7. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 17th day of May, 1983.