

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

SESSION LAW 2019-215
SENATE BILL 353

AN ACT TO ALLOW FOR THE LAYING OFF OF A CARTWAY OF UP TO THIRTY FEET
AND TO CLARIFY CERTAIN SEPTIC TANK SETBACKS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 136-69 reads as rewritten:

"§ 136-69. Cartways, tramways, etc., laid out; procedure.

(a) If any person, firm, association, or corporation shall be engaged in the cultivation of any land or the cutting and removing of any standing timber, or the working of any quarries, mines, or minerals, or the operating of any industrial or manufacturing plants, or public or private cemetery, or taking action preparatory to the operation of any such enterprises, to which there is leading no public road or other adequate means of transportation, other than a navigable waterway, affording necessary and proper means of ingress thereto and egress therefrom, such person, firm, association, or corporation may institute a special proceeding as set out in the preceding section (G.S. 136-68), and if it shall be made to appear to the court necessary, reasonable and just that such person shall have a private way to a public road or watercourse or railroad over the lands of other persons, the court shall appoint a jury of view of three disinterested freeholders to view the premises and lay off a cartway, tramway, or railway of not less than 18 feet in ~~width,~~ width and not more than 30 feet in width, or cableways, chutes, and flumes, and assess the damages the owner or owners of the land crossed may sustain thereby, and make report of their findings in writing to the clerk of the superior court. Exceptions to said report may be filed by any interested party and such exceptions shall be heard and determined by the clerk of the superior court. The clerk of the superior court may affirm or modify said report, or set the same aside and order a new jury of view. All damages assessed by a judgment of the clerk, together with the cost of the proceeding, shall be paid into the clerk's office before the petitioners shall acquire any rights under said proceeding.

...

(c) Where a tract of land lies partly in one county and partly in an adjoining county, or where a tract of land lies wholly within one county and the public road nearest or from which the most practical roadway to said land would run, lies in an adjoining county and the practical way for a cartway to said land would lead over lands in an adjoining county, then and in that event the proceeding for the laying out and establishing of a cartway may be commenced in either the county in which the land is located or the adjoining county through which said cartway would extend to the public road, and upon the filing of such petition in either county the clerk of the court shall have jurisdiction to proceed for the appointment of a jury from the county in which the petition is filed and proceed for the laying out and establishing of a cartway as if the tract of land to be reached by the cartway and the entire length of the cartway are all located within the bounds of said county in which the petition may be filed."

SECTION 2. Notwithstanding 15A NCAC 18A .1950(a)(15)(A)(iii), the minimum horizontal distance between every sanitary sewage treatment and disposal system to downslope interceptor drains, foundation drains, and stormwater diversions shall be 15 feet. 15A NCAC



18A .1950(a)(15) shall only apply to stormwater diversions with cuts of 2 feet or more in vertical height.

SECTION 3. G.S. 153A-210.1(b), as amended by S.L. 2019-190, reads as rewritten:

"(b) Sunset. – This Article expires July 1, ~~2020, 2025,~~ for projects that have not been approved under a final assessment resolution. For projects authorized in G.S. 153A-210.2(a1), this Article expires July 1, 2022. The expiration does not affect the validity of assessments imposed or to be imposed or bonds issued or authorized or to be issued or authorized under the provisions of this Article if a final assessment resolution has been adopted prior to the effective date of the expiration."

SECTION 4. This act is effective when it becomes law. Section 1 applies to special proceedings filed on or after the date when this act becomes law. Section 2 applies to applications and development plans submitted on or before August 1, 2019.

In the General Assembly read three times and ratified this the 27th day of August, 2019.

s/ Bill Rabon
Presiding Officer of the Senate

s/ Tim Moore
Speaker of the House of Representatives

s/ Roy Cooper
Governor

Approved 4:59 p.m. this 4th day of September, 2019