

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 996

Short Title: Stormwater Utilities.

(Public)

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Sponsors: Representatives B. Ethridge; and Bowman.

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Referred to: Infrastructure.

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April 3, 1989

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE LOCAL GOVERNMENTS TO CONSTRUCT AND  
OPERATE STORM DRAINAGE SYSTEMS AS PUBLIC ENTERPRISES AND  
PROVIDING FUNDING AND TAXING AUTHORITY.

The General Assembly of North Carolina enacts:

Section 1. G.S. 153A-149(c) reads as rewritten:

"(c) Each county may levy property taxes for one or more of the purposes listed in this subsection up to an effective combined rate of one dollar and fifty cents (\$1.50) on the one hundred dollars (\$100.00) appraised value of property subject to taxation before the application of any assessment ratio. To find the actual rate limit for a particular county, divide the effective rate limit of one dollar and fifty cents (\$1.50) by the county assessment ratio. Authorized purposes subject to the rate limitation are:

(1) To provide for the general administration of the county through the board of county commissioners, the office of the county manager, the office of the county budget officer, the office of the county finance officer, the office of the county assessor, the office of the county tax collector, the county purchasing agent, and the county attorney, and for all other general administrative costs not allocated to a particular board, commission, office, agency, or activity of the county.

(2) Agricultural Extension. – To provide for the county's share of the cost of maintaining and administering programs and services offered to agriculture by or through the Agricultural Extension Service or other agencies.

- 1 (3) Air Pollution. – To maintain and administer air pollution control  
2 programs.
- 3 (4) Airports. – To establish and maintain airports and related aeronautical  
4 facilities.
- 5 (5) Ambulance Service. – To provide ambulance services, rescue squads,  
6 and other emergency medical services.
- 7 (6) Animal Protection and Control. – To provide animal protection and  
8 control programs.
- 9 (6a) Arts Programs and Museums. – To provide for arts programs and  
10 museums as authorized in G.S. 160A-488.
- 11 (6b) Auditoriums, coliseums, and convention and civic centers. – To  
12 provide public auditoriums, coliseums, and convention and civic  
13 centers.
- 14 (7) Beach Erosion and Natural Disasters. – To provide for shoreline  
15 protection, beach erosion control, and flood and hurricane protection.
- 16 (8) Cemeteries. – To provide for cemeteries.
- 17 (9) Civil Preparedness. – To provide for civil preparedness programs.
- 18 (10) Debts and Judgments. – To pay and discharge any valid debt of the  
19 county or any judgment lodged against it, other than debts and  
20 judgments evidenced by or based on bonds and notes.
- 21 (10a) Defense of Employees and Officers. – To provide for the defense  
22 of, and payment of civil judgments against, employees and officers  
23 or former employees and officers, as authorized by this Chapter.
- 24 (10b) Economic Development. – To provide for economic development  
25 as authorized by G.S. 158-12.
- 26 (11) Fire Protection. – To provide fire protection services and fire  
27 prevention programs.
- 28 (12) Forest Protection. – To provide forest management and protection  
29 programs.
- 30 (13) Health. – To provide for the county's share of maintaining and  
31 administering services offered by or through the county or district  
32 health department.
- 33 (14) Historic Preservation. – To undertake historic preservation  
34 programs and projects.
- 35 (15) Hospitals. – To establish, support and maintain public hospitals and  
36 clinics, and other related health programs and facility, or to aid any  
37 private, nonprofit hospital, clinic, related facilities, or other health  
38 program or facility.
- 39 (15a) Housing Rehabilitation. – To provide for personnel costs related to  
40 planning and administration of housing rehabilitation programs  
41 authorized by G.S. 153A-376. This subdivision only applies to  
42 counties with a population of 400,000 or more, according to the  
43 most recent decennial federal census.
- 44 (16) Human Relations. – To undertake human relations programs.

- 1 (16a) Industrial Development. – To provide for industrial development as  
2 authorized by G.S. 158-7.1.
- 3 (17) Joint Undertakings. – To cooperate with any other county, city, or  
4 political subdivision in providing any of the functions, services, or  
5 activities listed in this subsection.
- 6 (18) Law Enforcement. – To provide for the operation of the office of  
7 the sheriff of the county and for any other county law-enforcement  
8 agency not under the sheriff's jurisdiction.
- 9 (19) Libraries. – To establish and maintain public libraries.
- 10 (20) Mapping. – To provide for mapping the lands of the county.
- 11 (21) Medical Examiner. – To provide for the county medical examiner  
12 or coroner.
- 13 (22) Mental Health. – To provide for the county's share of the cost of  
14 maintaining and administering services offered by or through the  
15 area mental health, mental retardation, and substance abuse  
16 authority.
- 17 (23) Open Space. – To acquire open space land and easements in  
18 accordance with Article 19, Part 4, Chapter 160A of the General  
19 Statutes.
- 20 (24) Parking. – To provide off-street lots and garages for the parking  
21 and storage of motor vehicles.
- 22 (25) Parks and Recreation. – To establish, support and maintain public  
23 parks and programs of supervised recreation.
- 24 (26) Planning. – To provide for a program of planning and regulation of  
25 development in accordance with Article 18 of this Chapter and  
26 Article 19, Parts 3A and 6, of Chapter 160A of the General  
27 Statutes.
- 28 (27) Ports and Harbors. – To participate in programs with the North  
29 Carolina Ports Authority and provide for harbor masters.
- 30 (28) Register of Deeds. – To provide for the operation of the office of  
31 the register of deeds of the county.
- 32 (29) Sewage. – To provide sewage collection and treatment services as  
33 defined in G.S. 153A-274(2).
- 34 (30) Social Services. – To provide for the public welfare through the  
35 maintenance and administration of public assistance programs not  
36 required by Chapters 108A and 111 of the General Statutes, and by  
37 establishing and maintaining a county home.
- 38 (31) Solid Waste. – To provide solid waste collection and disposal  
39 services, and to acquire and operate landfills.
- 40 (31a) Stormwater. – To provide structural and natural stormwater and  
41 drainage systems of all types.
- 42 (32) Surveyor. – To provide for a county surveyor.

- 1 (33) Veterans' Service Officer. – To provide for the county's share of the  
2 cost of services offered by or through the county veterans' service  
3 officer.  
4 (34) Water. – To provide water supply and distribution systems.  
5 (35) Watershed Improvement. – To undertake watershed improvement  
6 projects.  
7 (36) Water Resources. – To participate in federal water resources  
8 development projects.  
9 (37) Armories. – To supplement available State or federal funds to be  
10 used for the construction (including the acquisition of land),  
11 enlargement or repair of armory facilities for the North Carolina  
12 national guard."

13 Sec. 2. G.S. 153A-274 reads as rewritten:

14 **"§ 153A-274. Public enterprise defined.**

15 As used in this Article, 'public enterprise' includes:

- 16 (1) Water supply and distribution systems,  
17 (2) Sewage collection and disposal systems of all types, including  
18 septic tank systems or other on-site collection or disposal facilities  
19 or systems,  
20 (3) Solid waste collection and disposal systems and facilities,  
21 (4) Airports,  
22 (5) Off-street parking facilities,  
23 (6) Public transportation systems.  
24 (7) Structural and natural stormwater and drainage systems of all  
25 types."

26 Sec. 3. G.S. 159-44 reads as rewritten:

27 **"§ 159-44. Definitions.**

28 The words and phrases defined in this section shall have the meanings indicated  
29 when used in this Article, unless the context clearly requires another meaning:

- 30 (1) 'Finance officer' means the officer performing the duties of finance  
31 officer of a unit of local government pursuant to G.S. 159-24 of the  
32 Local Government Budget and Fiscal Control Act.  
33 (2) 'Governing board' or 'board' means the governing body of a unit of  
34 local government.  
35 (3) 'Sinking fund' means a fund held for the retirement of term bonds.  
36 (4) 'Unit,' 'unit of local government,' or 'local government' means  
37 counties; cities, towns, and incorporated villages; sanitary districts;  
38 mosquito control districts; hospital districts; metropolitan sewerage  
39 districts; metropolitan water districts; county water and sewer  
40 districts; and special airport districts.  
41 (5) 'Utility or public service enterprise' includes:  
42 i. Electric power transmission and distribution systems;  
43 ii. Water supply facilities and distribution systems;  
44 iii. Sewage collection and disposal systems;

- iv. Gas transmission and distribution systems;
- v. Public transportation systems, including but not limited to bus lines, ferries, and mass transit systems;
- vi. Solid waste collection and disposal systems and facilities;
- vii. Cable television systems;
- viii. Off-street parking facilities and systems;
- ix. Public auditoriums, coliseums, stadiums and convention centers;
- x. Airport; ~~and~~
- xi. Hospitals and other health-related ~~facilities.~~facilities; and
- xii. Structural and natural stormwater and drainage systems of all types."

Sec. 4. G.S. 159-81 reads as rewritten:

**"§ 159-81. Definitions.**

The words and phrases defined in this section shall have the meanings indicated when used in this Article:

- (1) 'Municipality' means a county, city, town, incorporated village, sanitary district, metropolitan sewerage district, metropolitan water district, county water and sewer district, water and sewer authority, hospital authority, hospital district, parking authority, special airport district, and airport authority, a joint agency created pursuant to Part 1 of Article 20 of Chapter 160A of the General Statutes, but not any other forms of local government.
- (2) 'Revenue bond' means a bond issued by the State of North Carolina or a municipality pursuant to this Article.
- (3) 'Revenue bond project' means any undertaking for the acquisition, construction, reconstruction, improvement, enlargement, betterment, or extension of any one or combination of the following revenue-producing utility or public service enterprise facilities or systems owned or leased as lessee by the issuing unit:
  - a. Water systems or facilities, including all plants, works, instrumentalities and properties used or useful in obtaining, conserving, treating, and distributing water for domestic or industrial use, irrigation, sanitation, fire protection, or any other public or private use.
  - b. Sewage disposal systems or facilities, including all plants, works, instrumentalities, and properties used or useful in the collection, treatment, purification, or disposal of sewage.
  - c. Systems or facilities for the generation, production, transmission, or distribution of gas (natural, artificial, or mixed) or electric energy for lighting, heating, or power for public and private uses, where gas systems shall include

- 1 the purchase and/or lease of natural gas fields and natural  
2 gas reserves and the purchase of natural gas supplies, and  
3 where any parts of such gas systems may be located either  
4 within the State or without.
- 5 d. Systems, facilities and equipment for the collection,  
6 treatment, or disposal of solid waste.
- 7 e. Public transportation systems, facilities, or equipment,  
8 including but not limited to bus, truck, ferry, and railroad  
9 terminals, depots, trackage, vehicles, and ferries, and  
10 mass transit systems.
- 11 f. Public parking lots, areas, garages, and other vehicular  
12 parking structures and facilities.
- 13 g. Aeronautical facilities, including but not limited to  
14 airports, terminals, and hangars.
- 15 h. Marine facilities, including but not limited to marinas,  
16 basins, docks, dry docks, piers, marine railways, wharves,  
17 harbors, warehouses, and terminals.
- 18 i. Hospitals and other health-related facilities.
- 19 j. Public auditoriums, gymnasiums, stadiums, and  
20 convention centers.
- 21 k. Recreational facilities.
- 22 l. In addition to the foregoing, in the case of the State of  
23 North Carolina, any other project authorized by the  
24 General Assembly.
- 25 m. Economic development projects, including the acquisition  
26 and development of industrial parks, the acquisition and  
27 resale of land suitable for industrial or commercial  
28 purposes, and the construction and lease or sale of shell  
29 buildings in order to provide employment opportunities for  
30 citizens of the municipality.
- 31 n. Facilities for the use of any agency or agencies of the  
32 government of the United States of America.
- 33 o. Structural and natural stormwater and drainage systems.
- 34 The cost of an undertaking may include all property, both real and  
35 personal and improved and unimproved, plants, works, appurtenances,  
36 machinery, equipment, easements, water rights, air rights, franchises,  
37 and licenses used or useful in connection with any of the foregoing  
38 utilities and enterprises; the cost of demolishing or moving structures  
39 from land acquired and the cost of acquiring any lands to which such  
40 structures are to be moved; financing charges; the cost of plans,  
41 specifications, surveys, and estimates of cost and revenues;  
42 administrative and legal expenses; and any other expense necessary or  
43 incident to the project.

- 1           (4)     'Revenues' include all moneys received by the State or a  
2                   municipality from, in connection with, or as a result of its  
3                   ownership or operation of a revenue bond project or a utility or  
4                   public service enterprise facility or system of which a revenue bond  
5                   project is a part, including (to the extent deemed advisable by the  
6                   State or a municipality) moneys received from the United States of  
7                   America, the State of North Carolina, or any agency of either,  
8                   pursuant to an agreement with the State or a municipality, as the  
9                   case may be, pertaining to the project."

10           Sec. 5. G.S. 160A-311 reads as rewritten:

11   **"§ 160A-311. Public enterprise defined.**

12       As used in this Article, the term 'public enterprise' includes:

- 13           (1)     Electric power generation, transmission, and distribution systems;  
14           (2)     Water supply and distribution systems;  
15           (3)     Sewage collection and disposal systems of all types, including  
16                   septic tank systems or other on-site collection or disposal facilities  
17                   or systems;  
18           (4)     Gas production, storage, transmission, and distribution systems,  
19                   where systems shall also include the purchase and/or lease of  
20                   natural gas fields and natural gas reserves, the purchase of natural  
21                   gas supplies, and the surveying, drilling and any other activities  
22                   related to the exploration for natural gas, whether within the State  
23                   or without;  
24           (5)     Public transportation systems;  
25           (6)     Solid waste collection and disposal systems and facilities;  
26           (7)     Cable television systems;  
27           (8)     Off-street parking facilities and systems;  
28           (9)     ~~Airports.~~ Airports;  
29           (10)    Structural and natural stormwater and drainage systems of all  
30                   types."

31       Sec. 6. This act is effective upon ratification.