

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2005

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SENATE BILL 1594\*

Short Title: Amend Sanitary District Authority. (Public)

Sponsors: Senators Albertson; and Weinstein.

Referred to: Agriculture/Environment/Natural Resources.

May 18, 2006

A BILL TO BE ENTITLED

AN ACT TO AMEND THE AUTHORITY OF SANITARY DISTRICTS TO  
REQUIRE CONNECTIONS TO WATER AND SEWER SYSTEMS, AS  
RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 130A-55 reads as rewritten:

"§ 130A-55. **Corporate Powers.**

A sanitary district board shall be a body politic and corporate and may sue and be sued in matters relating to the sanitary district. Notwithstanding any limitation in the petition under G.S. 130A-48, but subject to the provisions of G.S. 130A-55(17)e, each sanitary district may exercise all of the powers granted to sanitary districts by this Article. In addition, the sanitary district board shall have the following powers:

...

(16) To adopt rules for the promotion and protection of the public health and for these purposes to possess the following powers:

- a. ~~To require any person owning, occupying or controlling improved real property within the district to connect with either or both the water or sewage systems of the district when the local health director, having jurisdiction over the property, determines that the health of the people residing within the district will be endangered by a failure to connect. To require the owners of developed property on which there are situated one or more residential dwelling units or commercial establishments located within the jurisdiction of the district and within a reasonable distance of any waterline or sewer collection line owned, leased as lessee, or operated by the district to connect the property with the waterline, sewer connection line, or both and fix charges for the connections. The power granted by this subdivision may be exercised by a~~

1                   district only to the extent that the service, whether water, sewer,  
2                   or a combination thereof, to be provided by the district is not  
3                   then being provided to the improved property by any other  
4                   political subdivision or by a public utility regulated by the  
5                   North Carolina Utilities Commission pursuant to Chapter 62 of  
6                   the General Statutes. In the case of improved property that  
7                   would qualify for the issuance of a building permit for the  
8                   construction of one or more residential dwelling units or  
9                   commercial establishments and where the district has installed  
10                  water or sewer lines or a combination thereof directly available  
11                  to the property, the district may require payment of a periodic  
12                  availability charge, not to exceed the minimum periodic service  
13                  charge for properties that are connected.

14                  ..."

15                  **SECTION 2.** This act becomes effective September 1, 2006.