

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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SENATE BILL 275

Short Title: Stormwater Management Fee Uses. (Public)

Sponsors: Senators Clodfelter (Primary Sponsor); and Ford.

Referred to: Finance.

March 13, 2013

A BILL TO BE ENTITLED

AN ACT TO BROADEN THE PERMITTED USE OF STORM WATER FEES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 153A-277(a) reads as rewritten:

"(a) The General Assembly finds it is in the best interest of the residents of North Carolina to promote and encourage the funding and implementation of stormwater management programs within the State in order to protect and enhance surface water quality and quantity to reduce the chances for loss of life and damages to property due to flooding. The General Assembly also finds that a county has an integral role in furthering this public purpose by promoting and encouraging the funding and implementation of stormwater management programs within the county's territorial jurisdiction in order to reduce reliance on emergency response services, reduce negative financial impacts to the community and the public from flooding (i.e., the cost of financial assistance programs, reduced productivity, maintain sustainable employment, etc.), increase the number of code compliant homes and businesses, increase infiltration of stormwater into the ground, and reduce pollutants from entering the streams. In furtherance of this public purpose, within its stormwater management program, a county may fund and/or establish a program that not only purchases property and demolishes flood prone buildings but may also implement flood damage reduction techniques that result in improvements of private property, including, but not limited to (i) elevating structures and/or their associated components, (ii) demolishing flood prone structures, and (iii) retrofitting and/or floodproofing flood prone structures, under the following circumstances:

- (1) It has obtained the private property owner's written consent to the flood reduction improvements; and
- (2) It has determined that improving the stormwater system is either not technically feasible or not cost-effective thereby providing savings to the stormwater fund.

Also, in furtherance of this purpose, a A-county may establish and revise from time to time schedules of rents, rates, fees, charges, and penalties for the use of or the services furnished by a public enterprise. Schedules of rents, rates, fees, charges, and penalties may vary for the same class of service in different areas of the county and may vary according to classes of service, and different schedules may be adopted for services provided outside of the county. A county may include a fee relating to subsurface discharge wastewater management systems and services on the property tax bill for the real property where the system for which the fee is imposed is located."

SECTION 2. This act is effective when it becomes law.

