

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015**

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HOUSE BILL 538

Short Title: Clarify Water and Sewer Authority Powers. (Public)

Sponsors: Representative Millis (Primary Sponsor).

For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.

Referred to: Local Government, if favorable, Environment.

April 6, 2015

A BILL TO BE ENTITLED
AN ACT TO AMEND AND CLARIFY THE POWERS OF WATER AND SEWER
AUTHORITIES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 162A-6(a)(14c) reads as rewritten:

"(14c) To adopt ordinances concerning any of the following:

- a. ~~to regulate~~ The regulation and control of the discharge of sewage or stormwater into any sewerage system owned or operated by the authority, authority.
- b. The regulation and control of a water system owned or operated by the authority.
- c. ~~to adopt ordinances concerning stormwater~~ Stormwater management programs designed to protect water quality by controlling the level of pollutants in and the quantity and flow of ~~stormwater, stormwater.~~
- d. ~~and to adopt ordinances to regulate~~ The regulation and control of structural and natural stormwater and drainage systems of all types.

Prior to the adoption of any such ordinance or any amendment to any such ordinance, the authority shall first pass a declaration of intent to adopt such ordinance or amendment. The declaration of intent shall describe the ordinance which it is proposed that the authority adopt. The declaration of intent shall be submitted to each governing body for review and comment. The authority shall consider any comment or suggestions offered by any governing body with respect to the proposed ordinance or amendment. Thereafter, the authority shall be authorized to adopt such ordinance or amendment to it at any time after 60 days following the submission of the declaration of intent to each governing body."

SECTION 2. G.S. 162A-6(a) is amended by adding two new subdivisions to read:

"(17) To enter into reimbursement agreements with private developers and property owners for the design and construction of infrastructure that is included on the authority's capital improvement plan and serves the developer or property owner. An authority shall enact ordinances setting forth procedures and terms under which such agreements may be approved. An authority may provide for such reimbursements to be paid from any lawful source. Reimbursement agreements authorized by this paragraph shall not be subject to Article 8 of Chapter 143 of the General Statutes, except as



1 provided by this subsection. A developer or property owner who is party to a
2 reimbursement agreement authorized under this paragraph shall solicit bids
3 in accordance with Article 8 of Chapter 143 of the General Statutes when
4 awarding contracts for work that would have required competitive bidding if
5 the contract had been awarded by the authority. For the purpose of this
6 subdivision, infrastructure includes, without limitation, water mains, sanitary
7 sewer lines, lift stations, water pump stations, stormwater lines, and other
8 associated facilities.

9 (18) To offer and pay rewards in an amount not exceeding five hundred dollars
10 (\$500.00) for information leading to the arrest and conviction of any person
11 who willfully defaces, damages or destroys, or commits acts of vandalism or
12 larceny of any authority property. The amount necessary to pay said rewards
13 shall be an item in the current expense budget of the authority."

14 **SECTION 3.** This act is effective when it becomes law.