

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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SENATE BILL 1409\*

Short Title: Clarify Power To Collect Stormwater Charge.

(Public)

Sponsors: Senators Conder, Basnight, Cochrane, Odom, and Plyler.

Referred to: Local Government.

May 29, 1990

A BILL TO BE ENTITLED

AN ACT CLARIFYING THE POWER OF CITIES AND COUNTIES TO COLLECT CHARGES FOR THE USE OF STORMWATER UTILITIES.

The General Assembly of North Carolina enacts:

Section 1. Article 16 of Chapter 160A of the General Statutes is amended by adding a new section to read:

**"§ 160A-314.1. Authority to fix and enforce rates for stormwater and drainage systems.**

(a) A city may establish and revise from time to time schedules of rates, fees, charges, and penalties for the acquisition, construction, operation, and maintenance of stormwater and drainage systems to serve real property. The incidence of stormwater run-off from property is considered use by the owner of the property of a stormwater and drainage system. Schedules of rates, fees, charges, and penalties may vary according to whether the property served is residential, commercial, or industrial property, the property's use, the size of the property, the area of impervious surfaces on the property, the quantity and quality of run-off from the property, the characteristics of the watershed into which stormwater from the property drains, and other factors that affect the stormwater and drainage system. Rates, fees, and charges imposed under this section may not exceed the city's cost of providing a stormwater and drainage system.

(b) Rates, fees, charges, and penalties for stormwater and drainage systems are joint and several legal obligations of the owner and any tenant of the property served. The amount imposed may be billed on the property tax bill, on the bill for water, sewer, or other enterprisory services, or separately. If the amount imposed is included on a bill with other enterprisory services, the council may, by ordinance, specify the order in

1 which partial payments are to be applied among the various services, to the extent  
2 allowed by bond covenants.

3 Amounts imposed under this section may be collected by the methods allowed under  
4 Article 10 of this Chapter for collection of special assessments, other than by  
5 installments, and shall bear interest at the same rate as a special assessment. The  
6 amounts imposed become a lien against the property served when the city files a notice  
7 of lien in the office of the clerk of superior court. A notice of lien may not be filed  
8 unless the city, by ordinance, has established notice and hearing procedures and the  
9 owner of the property has been given notice and an opportunity to be heard in  
10 accordance with the procedures. A lien under this section is next in priority after a  
11 special assessment lien.

12 (c) G.S. 160A-314 does not apply to stormwater and drainage systems. This  
13 section does not repeal any part of a local act that is inconsistent with the section."

14 Sec. 2. Article 15 of Chapter 153A of the General Statutes is amended by  
15 adding a new section to read:

16 **"§ 153A-277.1. Authority to fix and enforce rates for stormwater and drainage**  
17 **systems.**

18 (a) A county may establish and revise from time to time schedules of rates, fees,  
19 charges, and penalties for the acquisition, construction, operation, and maintenance of  
20 stormwater and drainage systems to serve real property. The incidence of stormwater  
21 run-off from property is considered use by the owner of the property of a stormwater  
22 and drainage system. Schedules of rates, fees, charges, and penalties may vary  
23 according to whether the property served is residential, commercial, or industrial  
24 property, the property's use, the size of the property, the area of impervious surfaces on  
25 the property, the quantity and quality of run-off from the property, the characteristics of  
26 the watershed into which stormwater from the property drains, and other factors that  
27 affect the stormwater and drainage system. Rates, fees, and charges imposed under this  
28 section may not exceed the county's cost of providing a stormwater and drainage  
29 system.

30 (b) Rates, fees, charges, and penalties for stormwater and drainage systems are  
31 joint and several legal obligations of the owner and any tenant of the property served.  
32 The amount imposed may be billed on the property tax bill, on the bill for water, sewer,  
33 or other enterprisory services, or separately. If the amount imposed is included on a bill  
34 with other enterprisory services, the board of commissioners may, by ordinance, specify  
35 the order in which partial payments are to be applied among the various services, to the  
36 extent allowed by bond covenants.

37 Amounts imposed under this section may be collected by the methods allowed under  
38 Article 9 of this Chapter for collection of special assessments, other than by  
39 installments, and shall bear interest at the same rate as a special assessment. The  
40 amounts imposed become a lien against the property served when the county files a  
41 notice of lien in the office of the clerk of superior court. A notice of lien may not be  
42 filed unless the county, by ordinance, has established notice and hearing procedures and  
43 the owner of the property has been given notice and an opportunity to be heard in

- 1 accordance with the procedures. A lien under this section is next in priority after a  
2 special assessment lien.
- 3 (c) G.S. 153A-277 does not apply to stormwater and drainage systems. This  
4 section does not repeal any part of a local act that is inconsistent with the section."  
5       Sec. 3. This act is effective upon ratification.