

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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SENATE BILL 752

Short Title: Mountain Ridge Service Districts.

(Public)

Sponsors: Senators Plexico and Carpenter.

Referred to: Transportation

April 18, 1995

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THE AUTHORITY OF COUNTIES THAT HAVE PROTECTED MOUNTAIN RIDGES TO ESTABLISH COUNTY SERVICE DISTRICTS TO PROVIDE FOR CERTAIN ROAD NEEDS OF THE DISTRICT AND TO ALLOW UNDER CERTAIN CIRCUMSTANCES THE MAINTENANCE OF PUBLIC ROADS LYING OUTSIDE THE DISTRICT.

The General Assembly of North Carolina enacts:

Section 1. G.S. 153A-301(d) reads as rewritten:

"(d) The board of commissioners of a county that contains a protected mountain ridge, as defined by G.S. 113A-206(6), may define any number of service ~~districts~~ districts, composed of subdivision lots within one or more contiguous subdivisions which are served by common public roads, to finance for the district the maintenance of such public roads that are located in the district, are not maintained by the Department of Transportation, and were recorded on a plat in the register of deeds office before October 1, 1975, either located in the district or provide access to some or all lots in the district from a State road, where some portion of such roads are not subject to compliance with the minimum standards of the Board of Transportation set forth in G.S. 136-102.6. The service district or districts created shall include only ~~property within such platted subdivision~~ subdivision lots within such subdivision or subdivisions, and one or more additional contiguous ~~platted~~ subdivisions. For the purposes of this subsection: (i) 'subdivision lots'

1 are defined as either separate tracts appearing of record upon a recorded plat, or other
2 lots, building sites, or divisions of land for sale or building development for residential
3 purposes; and (ii) 'public roads' are defined as roads in actual open use as public
4 vehicular areas, or dedicated or offered for dedication to the public use as a road,
5 highway, street, or avenue, by a deed, grant, map, or plat, which have been constructed
6 and are in use by the public, but which are not currently being maintained by any public
7 authority."

8 Sec. 2. G.S. 136-98 reads as rewritten:

9 **"§ 136-98. Prohibition of local road taxes and bonds and construction of roads by**
10 **local authorities; existing contracts.**

11 (a) From and after the first day of July, 1931, no county or road district by
12 authority of any public, public-local, or private act shall levy any taxes for the
13 maintenance, improvement, reconstruction, or construction of any of the public roads in
14 the various and several counties of the State, nor shall any county, through the board of
15 commissioners thereof or the highway commission, nor shall any district or township
16 highway commission, issue or sell or enter into any contract to issue or sell any bonds
17 heretofore authorized to be issued and sold, but unissued and unsold, for the purpose of
18 obtaining money with which to improve, maintain, reconstruct, or construct roads, except
19 for the purpose of discharging obligations entered into prior to the ratification of this
20 section, and all acts authorizing the board of county commissioners, the county highway
21 commissions, district highway or township commissions, to issue and sell bonds for the
22 purpose aforesaid, are hereby amended so as to conform to this section. No board of
23 county commissioners nor county highway commission, nor district nor township
24 highway commission from and after the passage of this section shall enter into any
25 contract to build or construct roads in the various and several counties except for such
26 projects as can be completed and paid for prior to July 1, 1931. All contracts heretofore
27 entered into by any county through the board of county commissioners, county highway
28 commission, and all contracts heretofore entered into by any district or township highway
29 commission which shall be incomplete on July 1, 1931, shall be taken over by the
30 Department of Transportation and completed by the Department of Transportation by the
31 use of money and funds applicable thereto, by the terms of the said contracts. Nothing in
32 this section or in any section of Chapter 145 of the Public Laws of 1931 that may appear
33 in this Code shall be construed to prohibit the levying of taxes authorized by law for the
34 payment of interest or principal on outstanding bonds or other evidences of debt lawfully
35 issued. Any county or road district which has heretofore issued bonds or other evidences
36 of debt by authority of law for road improvement purposes may refund said bonds or
37 other evidences of debt under and pursuant to the laws of the State of North Carolina
38 relative thereto.

39 (b) Nothing in this Article shall prohibit counties from establishing service
40 districts for road maintenance pursuant to Part 1, Article 16 of Chapter 153A of the
41 General Statutes."

42 Sec. 2. This act is effective upon ratification.