

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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SENATE BILL 382
Finance Committee Substitute Adopted 5/19/11
House Committee Substitute Favorable 6/25/12
Fourth Edition Engrossed 6/27/12
Proposed Conference Committee Substitute S382-PCCS15268-ST-6

Short Title: Amend Water Supply/Water Quality Laws.

(Public)

Sponsors:

Referred to:

March 22, 2011

A BILL TO BE ENTITLED

AN ACT TO PROVIDE WATER AND SEWER SERVICE TO CERTAIN PROPERTIES
OUTSIDE THE CORPORATE LIMITS OF A CITY AND TO DELAY THE
IMPLEMENTATION DEADLINE FOR LOCAL STORMWATER MANAGEMENT
PROGRAMS UNDER THE JORDAN LAKE NEW DEVELOPMENT RULE.

The General Assembly of North Carolina enacts:

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

"§ 160A-329. Provision of municipal services to certain properties.

(a) Upon request of a property owner, a city shall provide municipal services to any property if that property owner submitted a petition for voluntary annexation under Article 4A of this Chapter and the city's governing board failed to vote to give final approval or disapproval of that petition for voluntary annexation within 18 months from the date of submission of that petition, even if the property owner subsequently withdrew the petition for voluntary annexation after the city governing board's failure to vote to give final approval or disapproval within 18 months.

(b) A property owner receiving municipal services under subsection (a) of this section shall bear the cost and expense of any infrastructure improvements necessary for the provision of municipal services to the property, construct any infrastructure improvements necessary in a manner that complies with the city's infrastructure system for that municipal service, and dedicate all infrastructure improvements to the city upon its completion. The city shall accept the dedication of the infrastructure improvements, shall seek to obtain any permits needed to activate the provision of municipal services in a timely fashion, and may charge up to twice the usage rate for those municipal services that the city charges property owners within the corporate limits of the city.

(c) If the city subsequently annexes some or all of the property receiving municipal services under subsection (a) of this section, the city may no longer charge up to twice the rate under subsection (b) of this section. If the city subsequently annexes some or all the property receiving municipal services under subsection (a) of this section, the city may not delay the provision of municipal services to the annexed area, and may not change any zoning



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1 designation impacting that property whether imposed by the city or county for at least 36
2 months without the consent of the property owner.

3 (d) The city is not required to provide other services, such as fire protection, police
4 protection, solid waste services, or street maintenance services to the property under this
5 section.

6 (e) For purposes of this section, the term "municipal services" shall mean any of the
7 following services that the city provides within the corporate limits of the city: water or sewer."

8 **SECTION 1.(b)** This section is effective when it becomes law, applies to any
9 petition for voluntary annexation filed on or before that date, and expires on December 31,
10 2012.

11 **SECTION 2.(a)** Definition. – As used in this act, "New Development Rule 15A
12 NCAC 02B .0265" means 15A NCAC 02B .0265 (Jordan Water Supply Nutrient Strategy:
13 Stormwater Management for New Development) adopted by the Commission on May 8, 2008,
14 and approved by the Rules Review Commission on November 20, 2008.

15 **SECTION 2.(b)** New Development Rule 15A NCAC 02B .0265. – Until the
16 effective date of the revised permanent rule that the Commission is required to adopt pursuant
17 to Section 2(d) of this act, the Commission and the Department shall implement New
18 Development Rule 15A NCAC 02B .0265, as provided in Section 2(c) of this act.

19 **SECTION 2.(c)** Implementation. – Notwithstanding sub-subdivision (d) of
20 subdivision (4) of New Development Rule 15A NCAC 02B .0265, by August 10, 2014, within
21 three months after the Commission's approval of a local program, or upon the Division's first
22 renewal of a local government's NPDES stormwater permit, whichever occurs later, the
23 affected local government shall complete adoption of and implement its local stormwater
24 management program.

25 **SECTION 2.(d)** Additional Rule-Making Authority. – The Commission shall
26 adopt a rule to replace New Development Rule 15A NCAC 02B .0265. Notwithstanding
27 G.S. 150B-19(4), the rule adopted by the Commission pursuant to this section shall be
28 substantively identical to the provisions of Section 2(c) of this act. Rules adopted pursuant to
29 this section are not subject to G.S. 150B-21.8 through G.S. 150B-21.14. Rules adopted
30 pursuant to this section shall become effective as provided in G.S. 150B-21.3(b1) as though 10
31 or more written objections had been received as provided by G.S. 150B-21.3(b2).

32 **SECTION 2.(e)** Sunset. – Section 2(c) of this act expires on the date that rules
33 adopted pursuant to Section 2(d) of this act become effective.

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