

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

FILED SENATE
Mar 12, 2013
S.B. 275
PRINCIPAL CLERK

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SENATE DRS85078-LBf-67 (02/11)

Short Title: Stormwater Management Fee Uses. (Public)

Sponsors: Senator Clodfelter (Primary Sponsor).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO BROADEN THE PERMITTED USE OF STORM WATER FEES.
3 The General Assembly of North Carolina enacts:

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

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

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

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

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

