

GENERAL ASSEMBLY OF NORTH CAROLINA
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SENATE BILL DRS35127-MH-42 (02/09)

Short Title: Stormwater/Flood Control Activities. (Public)

Sponsors: Senator McKissick (Primary Sponsor).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO AUTHORIZE CITIES TO UNDERTAKE ACTIVITIES WITHIN THEIR
3 STORMWATER MANAGEMENT PROGRAMS TO IMPLEMENT FLOOD
4 REDUCTION TECHNIQUES THAT RESULT IN IMPROVEMENTS TO PRIVATE
5 PROPERTY.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** Article 16 of Chapter 160A of the General Statutes is amended by
8 adding a new section to read as follows:

9 **"§ 160A-311.1. Flood control activities under stormwater management programs.**

10 (a) Findings. – The General Assembly finds that it is in the best interest of the residents
11 of North Carolina to promote and fund the implementation of stormwater management
12 programs to control and manage water quantity and flow in order to reduce the chances of loss
13 of life and damage to property due to flooding. The General Assembly also finds that a city has
14 an integral role in furthering this public purpose by promoting and funding implementation of
15 stormwater management programs within the city's territorial jurisdiction to reduce reliance on
16 emergency response services, to reduce negative financial impacts on the community and the
17 public from flooding, including the cost of public infrastructure repairs and, to decrease the
18 number of flood-prone homes and businesses.

19 (b) Scope. – A city is authorized to do any of the following activities within its
20 stormwater management program:

- 21 (1) Purchase property for the purpose of demolishing flood-prone buildings.
22 (2) Implement flood damage reduction techniques that result in improvements to
23 private property, in accordance with subsection (c) of this section, to include
24 the following:
25 a. Elevating structures or their associated components.
26 b. Demolishing flood-prone structures.
27 c. Retrofitting flood-prone structures.

28 (c) Policy Document. – A city may engage in the activities listed in subdivision (b)(2)
29 of this section only under the circumstances contained in a policy document approved by the
30 city council. The policy document shall, at a minimum, establish, and may elaborate on, the
31 following:

- 32 (1) The private property owner's written consent must be obtained prior to the
33 implementation of flood reduction improvements on the owner's property.
34 (2) The city has determined that improving the stormwater system is not
35 practically feasible or cost-effective, and the activities listed in subdivision
36 (b)(2) of this section provide savings to the stormwater program.



- 1 (3) The improvements to the private property are the minimum necessary to
2 accomplish the stormwater benefit.
- 3 (4) The funding provided by the city, above a certain amount, to the property
4 owner or expended upon improvements to the property shall be reimbursed
5 to the city if the property is sold within five years of the completion of the
6 flood reduction improvement project. The amount of reimbursement due to
7 the city may be calculated as the difference between the established
8 premitigation fair market value and the sale price of the property, not to
9 exceed the total funding provided by the city.
- 10 (5) The minimum financial contribution the private property owner must make
11 to the flood reduction improvement project.
- 12 (d) Advisory Committee. – An existing stormwater advisory committee established by
13 the city council, and having specific charges, duties, and representation as set forth by the city
14 council, must review and approve projects that implement flood damage reduction techniques
15 under subdivision (b)(2) of this section. The committee shall submit an annual report to the city
16 council for its review.
- 17 (e) Application. – This section applies only to cities in a county that meets each of the
18 following criteria: (i) the county has a population of 275,000 or greater according to the most
19 recent annual population estimates certified by the State Budget Officer and (ii) the county has
20 at least one city with a population of 225,000 or greater according to the most recent annual
21 population estimates certified by the State Budget Officer."
- 22 **SECTION 2.** This act is effective when it becomes law.