

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

H.B. 833
May 4, 2021
HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH40468-MG-79

Short Title: Limit Corporate Powers of Sanitary Districts. (Public)

Sponsors: Representative Iler.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT LIMITING THE CORPORATE POWERS OF SANITARY DISTRICTS TO THE
3 AREA WITHIN THE CORPORATE LIMITS OF THE DISTRICT.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. G.S. 130A-55 reads as rewritten:

6 "§ 130A-55. Corporate powers.

7 A sanitary district board shall be a body politic and corporate and may sue and be sued in
8 matters relating to the sanitary district. Notwithstanding any limitation in the petition under
9 G.S. 130A-48, but subject to the provisions of G.S. 130A-55(17)e, each sanitary district may
10 exercise all of the powers granted to sanitary districts by this Article. In addition, the sanitary
11 district board shall have the following powers:

12 ...

13 (2) To acquire, construct, maintain and operate sewage collection, treatment and
14 disposal systems of all types, including septic tank systems or other on-site
15 collection or disposal facilities or systems, water supply systems; water
16 purification or treatment plants and other utilities, within ~~and outside~~ the
17 corporate limits of the district, as may be necessary for the preservation of the
18 public health and sanitary welfare ~~outside the corporate limits of the district,~~
19 ~~within reasonable limitation of the district.~~ The utilities shall be constructed,
20 operated and maintained in accordance with applicable statutes and rules.

21 a. The authority granted to a sanitary district by the provisions of this
22 subsection is supplemental to the authority granted to a sanitary district
23 by other provisions of law.

24 b. Actions taken by a sanitary district to acquire, construct, maintain and
25 operate sewage collection, treatment and disposal systems of all types;
26 water supply systems; water purification or treatment plants and other
27 utilities within ~~and outside~~ the corporate limits ~~to provide service~~
28 ~~outside the corporate limits~~ are approved and validated.

29 c. This subsection shall apply only in counties with a population of
30 70,000 or greater, as determined by the most recent decennial federal
31 census.

32 ...

33 (4) To acquire either by purchase, condemnation or otherwise and hold real and
34 personal property, easements, rights-of-way and water rights in the name of
35 the district within ~~or without~~ the corporate limits of the district, necessary or
36 convenient for the construction or maintenance of the works of the district.



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- a. To contract with any person within or outside the corporate limits of the district to supply raw water without charge to the person in return for an agreement to allow the district to discharge sewage in the person's previous water supply. The district may so contract and construct at its expense all improvements necessary or convenient for the delivery of the water when, in the opinion of the sanitary district board and the Department, it will be for the best of the district.
- b. To contract with any person within or outside the corporate limits of the district to supply raw or filtered water and sewer service to the person where the service is available. ~~For service supplied outside the corporate limits of the district, the sanitary district board may fix a different rate from that charged within the corporate limits but shall not be liable for damages for failure to furnish a sufficient supply of water and adequate sewer service.~~
- c. To contract with any person within or outside the corporate limits of the district for the treatment of the district's sewage in a sewage disposal or treatment plant owned and constructed or to be constructed by that person.

~~To negotiate for and acquire by contract any distribution system located outside the district when the water for the distribution system is furnished by the district. If the distribution system is acquired by a district, the district may continue the operation of the system even though it remains outside the district.~~

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