

**GENERAL ASSEMBLY OF NORTH CAROLINA**

**SESSION 1989**

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SENATE BILL 584  
House Committee Substitute Favorable 6/13/89

Short Title: Stormwater Utilities.

(Public)

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Sponsors:

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Referred to:

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April 6, 1989

A BILL TO BE ENTITLED

1 AN ACT TO AUTHORIZE LOCAL GOVERNMENTS TO CONSTRUCT AND  
2 OPERATE STORM DRAINAGE SYSTEMS AS PUBLIC ENTERPRISES AND  
3 TO PROVIDE LOCAL GOVERNMENTS WITH FUNDING AND TAXING  
4 AUTHORITY TO FINANCE THE CONSTRUCTION AND OPERATION OF  
5 STORM DRAINAGE SYSTEMS.  
6

7 The General Assembly of North Carolina enacts:

8 Section 1. G.S. 153A-149(c) reads as rewritten:

9 "(c) Each county may levy property taxes for one or more of the purposes listed in  
10 this subsection up to an effective combined rate of one dollar and fifty cents (\$1.50) on  
11 the one hundred dollars (\$100.00) appraised value of property subject to taxation before  
12 the application of any assessment ratio. To find the actual rate limit for a particular  
13 county, divide the effective rate limit of one dollar and fifty cents (\$1.50) by the county  
14 assessment ratio. Authorized purposes subject to the rate limitation are:

15 (1) To provide for the general administration of the county through the  
16 board of county commissioners, the office of the county manager, the  
17 office of the county budget officer, the office of the county finance  
18 officer, the office of the county assessor, the office of the county tax  
19 collector, the county purchasing agent, and the county attorney, and for  
20 all other general administrative costs not allocated to a particular  
21 board, commission, office, agency, or activity of the county.

22 (2) Agricultural Extension. – To provide for the county's share of the cost  
23 of maintaining and administering programs and services offered to

- 1 agriculture by or through the Agricultural Extension Service or other  
2 agencies.
- 3 (3) Air Pollution. – To maintain and administer air pollution control  
4 programs.
- 5 (4) Airports. – To establish and maintain airports and related aeronautical  
6 facilities.
- 7 (5) Ambulance Service. – To provide ambulance services, rescue squads,  
8 and other emergency medical services.
- 9 (6) Animal Protection and Control. – To provide animal protection and  
10 control programs.
- 11 (6a) Arts Programs and Museums. – To provide for arts programs and  
12 museums as authorized in G.S. 160A-488.
- 13 (6b) Auditoriums, coliseums, and convention and civic centers. – To  
14 provide public auditoriums, coliseums, and convention and civic  
15 centers.
- 16 (7) Beach Erosion and Natural Disasters. – To provide for shoreline  
17 protection, beach erosion control, and flood and hurricane protection.
- 18 (8) Cemeteries. – To provide for cemeteries.
- 19 (9) Civil Preparedness. – To provide for civil preparedness programs.
- 20 (10) Debts and Judgments. – To pay and discharge any valid debt of the  
21 county or any judgment lodged against it, other than debts and  
22 judgments evidenced by or based on bonds and notes.
- 23 (10a) Defense of Employees and Officers. – To provide for the defense  
24 of, and payment of civil judgments against, employees and officers  
25 or former employees and officers, as authorized by this Chapter.
- 26 (10b) Economic Development. – To provide for economic development  
27 as authorized by G.S. 158-12.
- 28 (11) Fire Protection. – To provide fire protection services and fire  
29 prevention programs.
- 30 (12) Forest Protection. – To provide forest management and protection  
31 programs.
- 32 (13) Health. – To provide for the county's share of maintaining and  
33 administering services offered by or through the county or district  
34 health department.
- 35 (14) Historic Preservation. – To undertake historic preservation  
36 programs and projects.
- 37 (15) Hospitals. – To establish, support and maintain public hospitals and  
38 clinics, and other related health programs and facility, or to aid any  
39 private, nonprofit hospital, clinic, related facilities, or other health  
40 program or facility.
- 41 (15a) Housing Rehabilitation. – To provide for personnel costs related to  
42 planning and administration of housing rehabilitation programs  
43 authorized by G.S. 153A-376. This subdivision only applies to

- 1 counties with a population of 400,000 or more, according to the  
2 most recent decennial federal census.
- 3 (16) Human Relations. – To undertake human relations programs.
- 4 (16a) Industrial Development. – To provide for industrial development as  
5 authorized by G.S. 158-7.1.
- 6 (17) Joint Undertakings. – To cooperate with any other county, city, or  
7 political subdivision in providing any of the functions, services, or  
8 activities listed in this subsection.
- 9 (18) Law Enforcement. – To provide for the operation of the office of  
10 the sheriff of the county and for any other county law-enforcement  
11 agency not under the sheriff's jurisdiction.
- 12 (19) Libraries. – To establish and maintain public libraries.
- 13 (20) Mapping. – To provide for mapping the lands of the county.
- 14 (21) Medical Examiner. – To provide for the county medical examiner  
15 or coroner.
- 16 (22) Mental Health. – To provide for the county's share of the cost of  
17 maintaining and administering services offered by or through the  
18 area mental health, mental retardation, and substance abuse  
19 authority.
- 20 (23) Open Space. – To acquire open space land and easements in  
21 accordance with Article 19, Part 4, Chapter 160A of the General  
22 Statutes.
- 23 (24) Parking. – To provide off-street lots and garages for the parking  
24 and storage of motor vehicles.
- 25 (25) Parks and Recreation. – To establish, support and maintain public  
26 parks and programs of supervised recreation.
- 27 (26) Planning. – To provide for a program of planning and regulation of  
28 development in accordance with Article 18 of this Chapter and  
29 Article 19, Parts 3A and 6, of Chapter 160A of the General  
30 Statutes.
- 31 (27) Ports and Harbors. – To participate in programs with the North  
32 Carolina Ports Authority and provide for harbor masters.
- 33 (28) Register of Deeds. – To provide for the operation of the office of  
34 the register of deeds of the county.
- 35 (29) Sewage. – To provide sewage collection and treatment services as  
36 defined in G.S. 153A-274(2).
- 37 (30) Social Services. – To provide for the public welfare through the  
38 maintenance and administration of public assistance programs not  
39 required by Chapters 108A and 111 of the General Statutes, and by  
40 establishing and maintaining a county home.
- 41 (31) Solid Waste. – To provide solid waste collection and disposal  
42 services, and to acquire and operate landfills.
- 43 (31a) Stormwater. – To provide structural and natural stormwater and  
44 drainage systems of all types.

- 1 (32) Surveyor. – To provide for a county surveyor.  
2 (33) Veterans' Service Officer. – To provide for the county's share of the  
3 cost of services offered by or through the county veterans' service  
4 officer.  
5 (34) Water. – To provide water supply and distribution systems.  
6 (35) Watershed Improvement. – To undertake watershed improvement  
7 projects.  
8 (36) Water Resources. – To participate in federal water resources  
9 development projects.  
10 (37) Armories. – To supplement available State or federal funds to be  
11 used for the construction (including the acquisition of land),  
12 enlargement or repair of armory facilities for the North Carolina  
13 national guard."

14 Sec. 2. G.S. 153A-274 reads as rewritten:

15 **"§ 153A-274. Public enterprise defined.**

16 As used in this Article, 'public enterprise' includes:

- 17 (1) Water supply and distribution systems,  
18 (2) Sewage collection and disposal systems of all types, including  
19 septic tank systems or other on-site collection or disposal facilities  
20 or systems,  
21 (3) Solid waste collection and disposal systems and facilities,  
22 (4) Airports,  
23 (5) Off-street parking facilities,  
24 (6) Public transportation ~~systems~~-systems,  
25 (7) Structural and natural stormwater and drainage systems of all  
26 types."

27 Sec. 3. G.S. 159-44 reads as rewritten:

28 **"§ 159-44. Definitions.**

29 The words and phrases defined in this section shall have the meanings indicated  
30 when used in this Article, unless the context clearly requires another meaning:

- 31 (1) 'Finance officer' means the officer performing the duties of finance  
32 officer of a unit of local government pursuant to G.S. 159-24 of the  
33 Local Government Budget and Fiscal Control Act.  
34 (2) 'Governing board' or 'board' means the governing body of a unit of  
35 local government.  
36 (3) 'Sinking fund' means a fund held for the retirement of term bonds.  
37 (4) 'Unit,' 'unit of local government,' or 'local government' means  
38 counties; cities, towns, and incorporated villages; sanitary districts;  
39 mosquito control districts; hospital districts; metropolitan sewerage  
40 districts; metropolitan water districts; county water and sewer  
41 districts; and special airport districts.  
42 (5) 'Utility or public service enterprise' includes:  
43 i. Electric power transmission and distribution systems;  
44 ii. Water supply facilities and distribution systems;

- 1                   iii.     Sewage collection and disposal systems;
- 2                   iv.     Gas transmission and distribution systems;
- 3                   v.     Public transportation systems, including but not limited to
- 4                         bus lines, ferries, and mass transit systems;
- 5                   vi.     Solid waste collection and disposal systems and facilities;
- 6                   vii.    Cable television systems;
- 7                   viii.   Off-street parking facilities and systems;
- 8                   ix.     Public auditoriums, coliseums, stadiums and convention
- 9                         centers;
- 10                  x.     Airport; ~~and~~
- 11                  xi.     Hospitals and other health-related ~~facilities.~~facilities; and
- 12                  xii.    Structural and natural stormwater and drainage systems of
- 13                         all types."

14           Sec. 4. G.S. 159-81(3) reads as rewritten:

15           "(3) 'Revenue bond project' means any undertaking for the acquisition,

16                 construction, reconstruction, improvement, enlargement, betterment,

17                 or extension of any one or combination of the following revenue-

18                 producing utility or public service enterprise facilities or systems

19                 owned or leased as lessee by the issuing unit:

- 20           a.     Water systems or facilities, including all plants, works,
- 21                 instrumentalities and properties used or useful in obtaining,
- 22                 conserving, treating, and distributing water for domestic or
- 23                 industrial use, irrigation, sanitation, fire protection, or any other
- 24                 public or private use.
- 25           b.     Sewage disposal systems or facilities, including all plants,
- 26                 works, instrumentalities, and properties used or useful in the
- 27                 collection, treatment, purification, or disposal of sewage.
- 28           c.     Systems or facilities for the generation, production,
- 29                 transmission, or distribution of gas (natural, artificial, or mixed)
- 30                 or electric energy for lighting, heating, or power for public and
- 31                 private uses, where gas systems shall include the purchase
- 32                 and/or lease of natural gas fields and natural gas reserves and
- 33                 the purchase of natural gas supplies, and where any parts of
- 34                 such gas systems may be located either within the State or
- 35                 without.
- 36           d.     Systems, facilities and equipment for the collection, treatment,
- 37                 or disposal of solid waste.
- 38           e.     Public transportation systems, facilities, or equipment,
- 39                 including but not limited to bus, truck, ferry, and railroad
- 40                 terminals, depots, trackages, vehicles, and ferries, and mass
- 41                 transit systems.
- 42           f.     Public parking lots, areas, garages, and other vehicular parking
- 43                 structures and facilities.

- 1 g. Aeronautical facilities, including but not limited to airports,
- 2 terminals, and hangars.
- 3 h. Marine facilities, including but not limited to marinas, basins,
- 4 docks, dry docks, piers, marine railways, wharves, harbors,
- 5 warehouses, and terminals.
- 6 i. Hospitals and other health-related facilities.
- 7 j. Public auditoriums, gymnasiums, stadiums, and convention
- 8 centers.
- 9 k. Recreational facilities.
- 10 l. In addition to the foregoing, in the case of the State of North
- 11 Carolina, any other project authorized by the General
- 12 Assembly.
- 13 m. Economic development projects, including the acquisition and
- 14 development of industrial parks, the acquisition and resale of
- 15 land suitable for industrial or commercial purposes, and the
- 16 construction and lease or sale of shell buildings in order to
- 17 provide employment opportunities for citizens of the
- 18 municipality.
- 19 n. Facilities for the use of any agency or agencies of the
- 20 government of the United States of America.
- 21 o. Structural and natural stormwater and drainage systems of all
- 22 types.

The cost of an undertaking may include all property, both real and personal and improved and unimproved, plants, works, appurtenances, machinery, equipment, easements, water rights, air rights, franchises, and licenses used or useful in connection with any of the foregoing utilities and enterprises; the cost of demolishing or moving structures from land acquired and the cost of acquiring any lands to which such structures are to be moved; financing charges; the cost of plans, specifications, surveys, and estimates of cost and revenues; administrative and legal expenses; and any other expense necessary or incident to the project."

Sec. 5. G.S. 160A-311 reads as rewritten:

**"§ 160A-311. Public enterprise defined.**

As used in this Article, the term 'public enterprise' includes:

- 36 (1) Electric power generation, transmission, and distribution systems;
- 37 (2) Water supply and distribution systems;
- 38 (3) Sewage collection and disposal systems of all types, including septic
- 39 tank systems or other on-site collection or disposal facilities or
- 40 systems;
- 41 (4) Gas production, storage, transmission, and distribution systems, where
- 42 systems shall also include the purchase and/or lease of natural gas
- 43 fields and natural gas reserves, the purchase of natural gas supplies,

- 1                   and the surveying, drilling and any other activities related to the  
2                   exploration for natural gas, whether within the State or without;
- 3                   (5)   Public transportation systems;
- 4                   (6)   Solid waste collection and disposal systems and facilities;
- 5                   (7)   Cable television systems;
- 6                   (8)   Off-street parking facilities and systems;
- 7                   (9)   ~~Airports.~~ Airports;
- 8                   (10) Structural and natural stormwater and drainage systems of all types."
- 9                   Sec. 6. This act is effective upon ratification.