

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1997

SESSION LAW 1998-52
SENATE BILL 1399

AN ACT TO ALLOW THE CITY OF DURHAM TO PARTICIPATE IN THE COST
OF STORM DRAINAGE IMPROVEMENTS ON PRIVATE PROPERTY AND
TO ALLOW PRIVATE PARTIES TO PAY OVER TIME FOR THEIR PORTION
OF THE COST OF THE IMPROVEMENTS.

The General Assembly of North Carolina enacts:

Section 1. The Charter of the City of Durham, being Chapter 671 of the 1975 Session Laws, as amended, is amended by adding the following new section:

"Section 34. Repairs to Stormwater System Located on Private Property.

(a) The city is authorized to use funds collected from stormwater fees to participate in the cost of repairs, improvements, and maintenance to the stormwater system located on private property within the city, and to enact ordinances that allocate the private and public share of the cost of such activities. Upon written request by the property owner, the city is also authorized to allow the private share of the cost, with interest at a rate to be fixed by the city council but not to exceed nine percent (9%) per annum, to be paid over a period of time to be fixed by the city council but not to exceed 10 years. The unpaid portion owed to the city by the property owner shall become a lien on the real property, and may be collected in the same manner and using the same procedures by which the city collects delinquent personal or real property taxes. Any such lien shall be inferior to all prior and subsequent liens for federal, state, and local taxes, equal to liens of special assessments, and superior to all other liens and encumbrances.

(b) The authority granted by this section is in addition to and not in derogation of any other authority granted to the city by this charter or any other law."

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

In the General Assembly read three times and ratified this the 22nd day of July, 1998.

s/ Dennis A. Wicker
President of the Senate

s/ Harold J. Brubaker
Speaker of the House of Representatives