

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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HOUSE BILL 2164*

Short Title: Amend Sanitary District Authority. (Public)

Sponsors: Representative Gibson.

Referred to: Environment and Natural Resources.

May 18, 2006

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE AUTHORITY OF SANITARY DISTRICTS TO
3 REQUIRE CONNECTIONS TO WATER AND SEWER SYSTEMS, AS
4 RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

5 The General Assembly of North Carolina enacts:

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

7 "**§ 130A-55. Corporate Powers.**

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

13 ...

14 (16) To adopt rules for the promotion and protection of the public health
15 and for these purposes to possess the following powers:

- 16 a. ~~To require any person owning, occupying or controlling~~
17 ~~improved real property within the district to connect with either~~
18 ~~or both the water or sewage systems of the district when the~~
19 ~~local health director, having jurisdiction over the property,~~
20 ~~determines that the health of the people residing within the~~
21 ~~district will be endangered by a failure to connect. To require~~
22 the owners of developed property on which there are situated
23 one or more residential dwelling units or commercial
24 establishments located within the jurisdiction of the district and
25 within a reasonable distance of any waterline or sewer
26 collection line owned, leased as lessee, or operated by the
27 district to connect the property with the waterline, sewer
28 connection line, or both and fix charges for the connections.
29 The power granted by this subdivision may be exercised by a

1 district only to the extent that the service, whether water, sewer,
2 or a combination thereof, to be provided by the district is not
3 then being provided to the improved property by any other
4 political subdivision or by a public utility regulated by the
5 North Carolina Utilities Commission pursuant to Chapter 62 of
6 the General Statutes. In the case of improved property that
7 would qualify for the issuance of a building permit for the
8 construction of one or more residential dwelling units or
9 commercial establishments and where the district has installed
10 water or sewer lines or a combination thereof directly available
11 to the property, the district may require payment of a periodic
12 availability charge, not to exceed the minimum periodic service
13 charge for properties that are connected.

14 ..."

15 **SECTION 2.** This act becomes effective September 1, 2006.