

NORTH CAROLINA GENERAL ASSEMBLY
1973 SESSION

CHAPTER 621
HOUSE BILL 1143

AN ACT TO AMEND PART 4 AND PART 6, OF ARTICLE 21, OF CHAPTER 143 TO PROVIDE FOR THE STATE TO ENTER INTO CONTRACTUAL AGREEMENTS WITH THE U.S. GOVERNMENT AS NOW VESTED IN LOCAL GOVERNING BODIES AND TO PROVIDE FLOODWAY REGULATION BY THE BOARD OF WATER AND AIR RESOURCES IN CERTAIN CIRCUMSTANCES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 143-215.41 is hereby amended by striking from line 2 thereof the word "of" appearing immediately following the words "the State of North Carolina" and inserting in lieu thereof the word "or".

Sec. 2. G.S. 143-215.42(a) is amended by rewriting the first sentence thereof to read as follows:

"For the purpose of complying with the terms of local cooperation as specified in Chapter 143, Article 21, Part 4, and as stipulated in the congressional document covering the particular project involved, any county, municipality, other local government unit or the State of North Carolina, acting on behalf of the Board of Water and Air Resources, may acquire the necessary lands, or interest in lands, by lease, purchase, gift or condemnation."

Sec. 3. G.S. 143-215.42(b) is amended by rewriting the first sentence thereof to read as follows:

"The power of condemnation herein granted to counties, municipalities and other local government units may be exercised only after:".

Sec. 4. G.S. 143-215.42(f) is rewritten to read as follows:

"(f) Interests in land acquired pursuant to this section may be used in such manner and for such purpose as the condemning authority deems best. If the local government unit so determines, such lands may be sold, leased, or rented, subject to the prior approval of the Board of Water and Air Resources. The State may sell, lease or rent any lands acquired by it, and if the Board of Water and Air Resources is participating with any local government unit or units in a water resources project under this Article, may convey such lands or interests to the unit or units as a part of its participation therein."

Sec. 5. G.S. 143-215.51 is rewritten to read as follows:

"§ 143-215.51. **Preamble.** — The purpose of this Part is to specify means for regulation of artificial obstructions in floodways. It is hereby declared that the channel and a portion of the floodplain of all the State's streams will be designated as a floodway, in which artificial obstructions may not be placed except in accordance with the provisions of this Part. The purpose of designating these areas as a floodway is to help control and minimize the extent of floods by preventing obstructions which inhibit water flow and increase flood height and damage, and thereby to prevent and minimize loss of life, injuries, property damage and other losses (both public and private) in flood hazard areas, and to promote the public health, safety and welfare of citizens of North Carolina in flood hazard areas."

Sec. 6. G.S. 143-215.56 is amended by rewriting subsection (c) to read as follows:

"(c) A local government may delineate any floodway subject to its regulation by showing it on a map or drawing, by a written description, or any combination thereof, to be

designated appropriately and filed permanently with the clerk of superior court and with the register of deeds in the county where the land lies. The Board of Water and Air Resources may delineate a floodway, in the same manner and subject to the same requirement, when the reach of a stream in which a floodway is determined by the Board to be needed exceeds the jurisdiction of a single local government. Alterations in the lines delineated shall be indicated by appropriate entries upon or addition to such map or description. Such entries or additions shall be made by or under the direction of the clerk of superior court. Photographic, typed or other copies of such map or description, certified by the clerk of superior court, shall be admitted in evidence in all courts and shall have the same force and effect as would the original map or description. A local government or the Board may provide for the redrawing of any such map. A redrawn map shall supersede for all purposes the earlier map or maps which it is designated to replace upon the filing and approval thereof as designated and provided above."

Sec. 7. G.S. 143-215.56 is further amended by adding thereto a new subsection to read as follows:

"(d) If the Board of Water and Air Resources determines that the floodway of any stream or stream segment should be delineated and the use thereof controlled as provided in this Part, and the local governments within which the stream or segment lies have not delineated the floodway or controlled uses therein, the Board shall advise the local governments of its intent to delineate the floodway, and it shall be the responsibility of the local governments to control uses therein. At least 30 days prior to the effective date specified in the resolution of the Board establishing any floodway, notice of the effective date and copies of such rules and regulations shall be delivered to every affected local government along with copies of all maps and plans delineating the floodway. Public notice of the resolution shall be given at least 30 days prior to the effective date by publication of a notice once a week for two successive weeks in a newspaper or newspapers having general circulation in the county or counties in which each affected local government lies and by posting a copy of the notice at the courthouse of each such county, along with a sketch map showing the stream or stream segment affected. The notice shall be adequate to apprise all interested persons of the nature of the rules and regulations, the effective date thereof, the stream or stream segment affected, and the manner in which more detailed information may be secured."

Sec. 8. G.S. 143-215. 54(b)(5) is hereby amended by inserting at line 1 of said paragraph, immediately following the word and punctuation "Lines." the words and punctuation "railway lines and rights-of-way,".

Sec. 9. This act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 18th day of May, 1973.