

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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HOUSE BILL 833

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

Sponsors: Representative Iler.

For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Energy and Public Utilities, if favorable, Commerce, if favorable, Rules, Calendar, and Operations of the House

May 5, 2021

A BILL TO BE ENTITLED

AN ACT LIMITING THE CORPORATE POWERS OF SANITARY DISTRICTS TO THE AREA WITHIN THE CORPORATE LIMITS OF THE DISTRICT.

The General Assembly of North Carolina enacts:

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

"§ 130A-55. Corporate powers.

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

...

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

- a. The authority granted to a sanitary district by the provisions of this subsection is supplemental to the authority granted to a sanitary district by other provisions of law.
- b. Actions taken by a sanitary district to acquire, construct, maintain and operate sewage collection, treatment and disposal systems of all types; water supply systems; water purification or treatment plants and other utilities within ~~and outside~~ the corporate limits ~~to provide service outside the corporate limits~~ are approved and validated.
- c. This subsection shall apply only in counties with a population of 70,000 or greater, as determined by the most recent decennial federal census.

...

(4) To acquire either by purchase, condemnation or otherwise and hold real and personal property, easements, rights-of-way and water rights in the name of



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1 the district within ~~or without~~ the corporate limits of the district, necessary or
2 convenient for the construction or maintenance of the works of the district.
3 ...
4 (8) a. To contract with any person within or outside the corporate limits of
5 the district to supply raw water without charge to the person in return
6 for an agreement to allow the district to discharge sewage in the
7 person's previous water supply. The district may so contract and
8 construct at its expense all improvements necessary or convenient for
9 the delivery of the water when, in the opinion of the sanitary district
10 board and the Department, it will be for the best of the district.
11 b. To contract with any person within or outside the corporate limits of
12 the district to supply raw or filtered water and sewer service to the
13 person where the service is available. ~~For service supplied outside the~~
14 ~~corporate limits of the district, the sanitary district board may fix a~~
15 ~~different rate from that charged within the corporate limits but shall~~
16 ~~not be liable for damages for failure to furnish a sufficient supply of~~
17 ~~water and adequate sewer service.~~
18 c. To contract with any person within or outside the corporate limits of
19 the district for the treatment of the district's sewage in a sewage
20 disposal or treatment plant owned and constructed or to be constructed
21 by that person.
22 ...
23 ~~(18) To negotiate for and acquire by contract any distribution system located~~
24 ~~outside the district when the water for the distribution system is furnished by~~
25 ~~the district. If the distribution system is acquired by a district, the district may~~
26 ~~continue the operation of the system even though it remains outside the~~
27 ~~district.~~
28"
29 **SECTION 2.** This act is effective when it becomes law.