

GENERAL ASSEMBLY OF NORTH CAROLINA
1989 SESSION

CHAPTER 741
HOUSE BILL 821

AN ACT TO AMEND THE AUTHORITY OF CITIES TO REQUIRE CONNECTION
TO WATER AND SEWER LINES WITHIN A COUNTY WATER AND SEWER
DISTRICT AND OTHERWISE.

The General Assembly of North Carolina enacts:

Section 1. Article 6 of Chapter 162A of the General Statutes is amended by adding a new section to read:

"§ 162A-93. Certain city actions prohibited.

(a) No city may duplicate water or sewer services provided by a district under this Article by installing parallel lines and requiring owners of improved property in territory annexed by the city to connect, except with consent of the district governing body.

(b) The provisions of subsection (a) shall not apply if the city council adopts an annexation ordinance including an area served by a district and finds, after a public hearing, that adequate fire protection cannot be provided in the area because of the level of available water service. Notice of the public hearing shall be provided by first class mail to each affected customer and by publication in a newspaper having general circulation in the area, each not less than 10 days before the hearing. The clerk's certification of the mailing shall be deemed conclusive in the absence of fraud. Any resident of the annexed area aggrieved by such a finding of the council may file a petition for review in the superior court in the nature of **certiorari**, within 30 days after the finding.

(c) Provision of public water and sewer services by a district under this Article to an area annexed by a city shall satisfy the city's obligation to provide for water and sewer services under G.S. 160A-35 and G.S. 160A-47. The city may negotiate for purchase of the lines or systems owned and operated by the district.

(d) Upon annexation by a city of an area served by a district under this Article, the city may provide for installation of and use fire hydrants on the district water lines, by arrangement with the district and at the city's cost."

Sec. 2. G.S. 160A-317 reads as rewritten:

"§ 160A-317. Power to require connections.

A city may require the owners of improved property located within the city limits and upon or within a reasonable distance of any water line or sewer collection line owned or leased and operated by the city to connect his premises with the water or sewer line or both, and may fix charges for the connections. In lieu of requiring connection under this section and in order to avoid hardship, the city may require

payment of a periodic availability charge, not to exceed the minimum periodic service charge for properties which are connected."

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 8th day of August, 1989.