

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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HOUSE BILL 573*
Committee Substitute Favorable 5/14/13

Short Title: Stormwater Management Fee Uses.

(Public)

Sponsors:

Referred to:

April 4, 2013

1 A BILL TO BE ENTITLED
2 AN ACT TO BROADEN THE PERMITTED USE OF STORMWATER FEES.
3 The General Assembly of North Carolina enacts:

4 SECTION 1. Article 15 of Chapter 153A is amended by adding a new statutory
5 section to read:

6 **"§ 153A-274.1. Flood control activities under stormwater management programs.**

7 (a) Findings. – The General Assembly finds that it is in the best interest of the residents
8 of North Carolina to promote and fund the implementation of stormwater management
9 programs to control and manage water quantity and flow in order to reduce the chances of loss
10 of life and damage to property due to flooding. The General Assembly also finds that a county
11 has an integral role in furthering this public purpose by promoting and funding implementation
12 of stormwater management programs within the county's territorial jurisdiction to reduce
13 reliance on emergency response services, to reduce negative financial impacts on the
14 community and the public from flooding, including the cost of public infrastructure repairs, to
15 decrease the number of flood-prone homes and businesses, to increase infiltration of
16 stormwater into the ground, and to reduce pollutants from entering the streams.

17 (b) Scope. – For purposes of operating a public enterprise under this Article, a county is
18 authorized to do any of the following activities within its stormwater management program:

- 19 (1) Purchase property for the purpose of demolishing flood-prone buildings.
20 (2) Implement flood damage reduction techniques that result in improvements to
21 private property in accordance with subsection (c) of this section, to include:
22 a. Elevating structures or their associated components.
23 b. Demolishing flood-prone structures.
24 c. Retrofitting flood-prone structures.

25 (c) Policy Document. – The county may engage in the activities listed in subdivision (2)
26 of subsection (b) of this section only under the circumstances contained in a policy document
27 approved by the board of county commissioners. The policy document shall, at a minimum,
28 establish, and may elaborate on, the following:

- 29 (1) Private property owner's written consent must be obtained prior to
30 implementation of flood reduction improvements on the owner's property.
31 (2) The county has determined that improving the stormwater system is not
32 practically feasible or cost-effective, and the activities in subdivision (2) of
33 subsection (b) provide savings to the stormwater fund.
34 (3) The improvements to private property are the minimum necessary to
35 accomplish the stormwater benefit.



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1 (4) Funding provided by the county, above a certain amount, to the property
2 owner or expended upon improvements to the property shall be reimbursed
3 to the county if the property is sold within five years of the completion of the
4 flood reduction improvement project. The amount of reimbursement due to
5 the county may be calculated as the difference between the established
6 premitigation fair market value and the sale price of the property, not to
7 exceed the total funding provided by the county.

8 (5) The minimum financial contribution the private property owner must make
9 to the project.

10 (d) Advisory Committee. – An existing stormwater advisory committee established by
11 the board of commissioners and having specific charges, duties, and representation as set forth
12 by the board of county commissioners must review and approve projects that implement flood
13 damage reduction techniques under subdivision (2) of subsection (b) of this section. The
14 committee shall submit an annual report to the board of county commissioners for its review.

15 (e) Application. – This section applies only to counties with a population of 910,000 or
16 greater according to the most recent annual population estimates certified by the State Budget
17 Officer."

18 **SECTION 2.** This act is effective when it becomes law.