

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

S

1

SENATE BILL 268

Short Title: Stormwater/Flood Control Activities. (Public)

Sponsors: Senator McKissick (Primary Sponsor).

Referred to: Rules and Operations of the Senate

March 16, 2017

1 A BILL TO BE ENTITLED  
2 AN ACT TO AUTHORIZE CITIES TO UNDERTAKE ACTIVITIES WITHIN THEIR  
3 STORMWATER MANAGEMENT PROGRAMS TO IMPLEMENT FLOOD  
4 REDUCTION TECHNIQUES THAT RESULT IN IMPROVEMENTS TO PRIVATE  
5 PROPERTY.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** Article 16 of Chapter 160A of the General Statutes is amended by  
8 adding a new section to read as follows:

9 **"§ 160A-311.1. Flood control activities under stormwater management programs.**

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

19 (b) Scope. – A city is authorized to do any of the following activities within its  
20 stormwater management program:

21 (1) Purchase property for the purpose of demolishing flood-prone buildings.

22 (2) Implement flood damage reduction techniques that result in improvements to  
23 private property, in accordance with subsection (c) of this section, to include  
24 the following:

25 a. Elevating structures or their associated components.

26 b. Demolishing flood-prone structures.

27 c. Retrofitting flood-prone structures.

28 (c) Policy Document. – A city may engage in the activities listed in subdivision (b)(2)  
29 of this section only under the circumstances contained in a policy document approved by the  
30 city council. The policy document shall, at a minimum, establish, and may elaborate on, the  
31 following:

32 (1) The private property owner's written consent must be obtained prior to the  
33 implementation of flood reduction improvements on the owner's property.

34 (2) The city has determined that improving the stormwater system is not  
35 practically feasible or cost-effective, and the activities listed in subdivision  
36 (b)(2) of this section provide savings to the stormwater program.



- 1           (3)   The improvements to the private property are the minimum necessary to  
2           accomplish the stormwater benefit.
- 3           (4)   The funding provided by the city, above a certain amount, to the property  
4           owner or expended upon improvements to the property shall be reimbursed  
5           to the city if the property is sold within five years of the completion of the  
6           flood reduction improvement project. The amount of reimbursement due to  
7           the city may be calculated as the difference between the established  
8           premitigation fair market value and the sale price of the property, not to  
9           exceed the total funding provided by the city.
- 10          (5)   The minimum financial contribution the private property owner must make  
11          to the flood reduction improvement project.
- 12          (d)   Advisory Committee. – An existing stormwater advisory committee established by  
13          the city council, and having specific charges, duties, and representation as set forth by the city  
14          council, must review and approve projects that implement flood damage reduction techniques  
15          under subdivision (b)(2) of this section. The committee shall submit an annual report to the city  
16          council for its review.
- 17          (e)   Application. – This section applies only to cities in a county that meets each of the  
18          following criteria: (i) the county has a population of 275,000 or greater according to the most  
19          recent annual population estimates certified by the State Budget Officer and (ii) the county has  
20          at least one city with a population of 225,000 or greater according to the most recent annual  
21          population estimates certified by the State Budget Officer."
- 22                 **SECTION 2.** This act is effective when it becomes law.