



SENATE BILL 353: Amend Cartway Path/Septic Tank Laws.

2019-2020 General Assembly

Committee:		Date:	January 2, 2020
Introduced by:		Prepared by:	Jeremy Ray Staff Attorney
Analysis of:	S.L. 2019-215		

OVERVIEW: *S.L. 2019-215 establishes a maximum width of 30 feet for cartways; amends certain septic tank setback distances for applications and development plans submitted on or before August 1, 2019; and extends the date for counties to impose special assessments on benefited property for certain infrastructure improvements that have not been approved under a final assessment resolution from July 1, 2020, to July 1, 2025.*

This act has various effective dates. Please see the full summary for more detail.

BACKGROUND:

Section 1 – Certain persons may attempt to obtain a cartway across the property of another by instituting a special proceeding in the superior court of the county where the property is located. If the court determines that a cartway should be granted, it will appoint a "jury of view" comprising three disinterested property owners to lay off a cartway of not less than 18 feet in width. Prior to the enactment of this act, no statutory maximum width existed for a cartway granted through a special proceeding of this type.

Section 2 – The North Carolina Commission for Public Health rule 15A NCAC 18A .1950 regulates minimum horizontal distances for sanitary sewage treatment and disposal systems.

Section 3 – Article 9A of Chapter 153A, enacted in 2008, authorizes counties to impose special assessments on benefitted property as a financing tool for long term capital projects. Prior to enactment of this act, the Article was slated to expire on July 1, 2020.

BILL ANALYSIS:

Section 1 – Establishes a maximum width of 30 feet for cartways.

Section 2 – Provides that the minimum horizontal distance between every sanitary sewage treatment and disposal system and downslope interceptor drains, foundation drains, and storm water diversions shall be 15 feet for applications and development plans that were submitted on or before August 1, 2019.

Section 3 – Extends the date for counties to impose special assessments on benefited property for certain infrastructure improvements that have not been approved under a final assessment resolution from July 1, 2020, to July 1, 2025.

EFFECTIVE DATE: This act became effective on September 4, 2019. Section 1 applies to special proceedings filed on or after September 4, 2019. Section 2 applies to applications and development plans submitted on or before August 1, 2019.

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