§ 162A-66. Procedure for creation; resolutions and petitions for creation; notice to and
action by the Environmental Management Commission; notice and public
hearing; resolutions creating districts; actions to set aside proceedings.

Any two or more political subdivisions in one or more counties, or any political subdivision
or subdivisions and any unincorporated area or areas located within one or more counties,
which political subdivisions or areas need not be contiguous, may petition for the creation of a
metropolitan sewerage district under the provisions of this Article by filing with the board or
boards of commissioners of the county or counties within which the proposed district will lie:

1. A resolution of the governing body of each such political subdivision stating
the necessity for the creation of a metropolitan sewerage district under the
provisions of this Article in order to preserve and promote the public health
and welfare within the area of the proposed district, and requesting the
creation of a metropolitan sewerage district having the boundaries set forth
in said resolution, and

2. If any unincorporated area is to be included in such district, a petition,
signed by not less than fifty-one per centum (51%) of the qualified voters
resident within such area, defining the boundaries of such area, stating the
necessity for the creation of a metropolitan sewerage district under the
provisions of this Article in order to preserve and promote the public health
and welfare within the proposed district, and requesting the creation of a
metropolitan sewerage district having the boundaries set forth in such
petition for such district.

Upon the receipt of such resolutions and petitions requesting the creation of a metropolitan
sewerage district, the board or boards of commissioners, through the chairman thereof, shall
notify the North Carolina Environmental Management Commission of the receipt of such
resolutions and petitions, and shall request that a representative of the Environmental
Management Commission hold a joint public hearing with the board or boards of
commissioners concerning the creation of the proposed metropolitan sewerage district. The
chairman of the Environmental Management Commission and the chairman or chairmen of the
board or boards of commissioners shall name a time and place within the proposed district at
which the public hearing shall be held; provided, however, that where a proposed district lies
within more than one county, the public hearing shall be held in the county within which the
greater portion of the proposed district lies. The chairman or chairmen of the board or boards of
commissioners shall give prior notice of such hearing by posting a notice at least 30 days prior
to the hearing at the courthouse of the county or counties within which the district will lie and
also by publication at least once a week for four successive weeks in a newspaper having
general circulation in the proposed district, the first publication to be at least 30 days prior to
such hearing. In the event all matters pertaining to the creation of such metropolitan sewerage
district cannot be concluded at such hearing, such hearing may be continued to a time and place
within the proposed district determined by the board or boards of commissioners with the
concurrence of the representative of the Environmental Management Commission.

If, after such hearing, the Environmental Management Commission and the board or boards
of commissioners shall deem it advisable to comply with the request of such resolutions and
petitions, and determine that the creation of a metropolitan sewerage district would preserve
and promote the public health and welfare in the area or areas described in such resolutions and
petitions, the Environmental Management Commission shall adopt a resolution to that effect,
defining the boundaries of such district and declaring the territory within such boundaries to be
a metropolitan sewerage district under the name and style of "_______ Metropolitan
Sewerage District of __________ [County] [Counties]"; provided, that the Environmental
Management Commission may make minor deviations in the boundaries from those prescribed in the resolutions and petitions upon determination by the Environmental Management Commission that such deviations are advisable in the interest of the public health, and provided no such district shall include any political subdivision which has not petitioned for inclusion as provided in this Article.

The Environmental Management Commission shall cause copies of the resolution creating the metropolitan sewerage district to be sent to the board or boards of commissioners and to the governing body of each political subdivision included in the district. The board or boards of commissioners shall cause a copy of such resolution of the Environmental Management Commission to be published in a newspaper circulating within the district once in each of two successive weeks, and a notice substantially in the following form shall be published with such resolution:

The foregoing resolution was passed by the North Carolina Environmental Management Commission on the ______ day of _______, ______, and was first published on the ______ day of _______, ____.

Any action or proceeding questioning the validity of said resolution or the creation of the metropolitan sewerage district therein described must be commenced within 30 days after the first publication of said resolution.

________________________________

Clerk, Board of Commissioners for
________________________ County.

Any action or proceeding in any court to set aside a resolution creating a metropolitan sewerage district, or to obtain any other relief upon the ground that such resolution or any proceeding or action taken with respect to the creation of such district is invalid, must be commenced within 30 days after the first publication of the resolution and said notice. After the expiration of such period of limitation, no right of action or defense founded upon the invalidity of the resolution or the creation of the metropolitan sewerage district therein described shall be asserted, nor shall the validity of the resolution or of the creation of such metropolitan sewerage district be open to question in any court upon any ground whatever, except in an action or proceeding commenced within such period. (1961, c. 795, s. 3; 1973, c. 512, s. 1; c. 822, s. 4; c. 1262, s. 23; 1977, c. 764, s. 1; 1999-456, s. 59.)