

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 132

Short Title: Drainage Assessment Notice.

(Public)

Sponsors: Representative Anderson.

Referred to: Judiciary III.

February 21, 1991

A BILL TO BE ENTITLED

AN ACT TO REQUIRE NOTICE BY CERTIFIED LETTER OF MEETING AT WHICH DRAINAGE ASSESSMENTS ARE DETERMINED.

The General Assembly of North Carolina enacts:

Section 1. G.S. 156-93.1(a) reads as rewritten:

"(a) The board of drainage commissioners may annually levy maintenance assessments in the same ratio as the existing classification of the lands within the district. The amount of these assessments shall be determined by the board of drainage commissioners of the district. The proceeds of these assessments shall be used for the purpose of maintaining canals of the drainage district in an efficient operating condition and for the necessary operating expenses of the district. Notice of the meeting at which the board of drainage commissioners determines the amount of the annual levy shall be mailed by certified mail to the owners, as shown on the county tax records, of all property subject to assessment. The notice shall be sent not more than 30 days nor less than 10 days prior to the meeting, and shall state the time, place, and purposes of the meeting. Any interested person has the right to be heard at the meeting prior to the drainage commissioners taking any action on the proposed assessment. In the event that any interested and aggrieved party disagrees with the said assessment, he may, within 20 days of the mailing of the notice of the assessment, file with the clerk for the county wherein the proceeding is pending, a notice specifically setting forth his objection. The Secretary of the District shall file in the records of the proceeding a certification setting forth the date of the mailing of the notice of the annual maintenance assessments. The clerk shall thereupon notify the senior resident superior court judge of such district who shall set the objection down for hearing at the earliest possible time. The court shall

1 hear the matter upon the objections duly set forth in the notice of objection. ~~Notice of~~
2 ~~the meeting at which the board of drainage commissioners determines the amount of the annual~~
3 ~~levy shall be published in a newspaper of general circulation in the area for four successive~~
4 ~~days, not more than 30 or less than 10 days prior to the meeting. The notice shall be not less~~
5 ~~than one fourth page in size and shall state the time, place, and purpose of the meeting. At~~
6 ~~such meeting any interested person shall have the right to be heard prior to action on the~~
7 ~~proposed assessment.~~

8 The board of drainage commissioners shall have the authority to employ engineering
9 assistance, construction equipment, superintendents and operators for the equipment
10 necessary for the efficient maintenance of the canals, or the maintenance may be done
11 by private contract made after due advertisement as required for the original
12 construction work."

13 Sec. 2. This act is effective as to all assessments levied later than 30 days
14 from the date of ratification of this act.