

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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SENATE BILL 752  
House Committee Substitute Favorable 6/22/95

Short Title: Mountain Ridge Service Districts.

(Public)

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Sponsors:

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Referred to:

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April 18, 1995

A BILL TO BE ENTITLED

1 AN ACT TO CLARIFY THE AUTHORITY OF COUNTIES THAT HAVE  
2 PROTECTED MOUNTAIN RIDGES TO ESTABLISH COUNTY SERVICE  
3 DISTRICTS TO PROVIDE FOR CERTAIN ROAD NEEDS OF THE DISTRICT  
4 AND TO ALLOW UNDER CERTAIN CIRCUMSTANCES THE MAINTENANCE  
5 OF PUBLIC ROADS LYING OUTSIDE THE DISTRICT.  
6

7 The General Assembly of North Carolina enacts:

8 Section 1. G.S. 153A-301(d) reads as rewritten:

9 "(d) The board of commissioners of a county that contains a protected mountain  
10 ridge, as defined by G.S. 113A-206(6), may define any number of service ~~districts~~  
11 districts, composed of subdivision lots within one or more contiguous subdivisions that  
12 are served by common public roads, to finance for the district the maintenance of such  
13 public roads that are located in the district, are not maintained by the Department of  
14 Transportation, and were recorded on a plat in the register of deeds office before October 1,  
15 1975, either located in the district or provide access to some or all lots in the district from  
16 a State road, where some portion of those roads is not subject to compliance with the  
17 minimum standards of the Board of Transportation set forth in G.S. 136-102.6. The  
18 service district or districts created shall include only property within such platted subdivision  
19 subdivision lots within the subdivision, and one or more additional contiguous platted

1 ~~subdivisions.~~ subdivisions, where the property owners' association, whose purpose is to  
2 represent these subdivision lots, agrees to be included in the service district. For  
3 subdivision lots in an additional contiguous subdivision or for other adjacent or  
4 contiguous property to be annexed according to G.S. 153A-303, the property owners'  
5 association representing the subdivision or property to be annexed must approve the  
6 annexation. For the purposes of this subsection: (i) 'subdivision lots' are defined as either  
7 separate tracts appearing of record upon a recorded plat, or other lots, building sites, or  
8 divisions of land for sale or building development for residential purposes; and (ii)  
9 'public roads' are defined as roads that are in actual open use as public vehicular areas, or  
10 dedicated or offered for dedication to the public use as a road, highway, street, or avenue,  
11 by a deed, grant, map, or plat, and that have been constructed and are in use by the  
12 public, but that are not currently being maintained by any public authority."

13 Sec. 2. G.S. 136-98 reads as rewritten:

14 **"§ 136-98. Prohibition of local road taxes and bonds and construction of roads by**  
15 **local authorities; existing contracts.**

16 (a) From and after the first day of July, 1931, no county or road district by  
17 authority of any public, public-local, or private act shall levy any taxes for the  
18 maintenance, improvement, reconstruction, or construction of any of the public roads in  
19 the various and several counties of the State, nor shall any county, through the board of  
20 commissioners thereof or the highway commission, nor shall any district or township  
21 highway commission, issue or sell or enter into any contract to issue or sell any bonds  
22 heretofore authorized to be issued and sold, but unissued and unsold, for the purpose of  
23 obtaining money with which to improve, maintain, reconstruct, or construct roads, except  
24 for the purpose of discharging obligations entered into prior to the ratification of this  
25 section, and all acts authorizing the board of county commissioners, the county highway  
26 commissions, district highway or township commissions, to issue and sell bonds for the  
27 purpose aforesaid, are hereby amended so as to conform to this section. No board of  
28 county commissioners nor county highway commission, nor district nor township  
29 highway commission from and after the passage of this section shall enter into any  
30 contract to build or construct roads in the various and several counties except for such  
31 projects as can be completed and paid for prior to July 1, 1931. All contracts heretofore  
32 entered into by any county through the board of county commissioners, county highway  
33 commission, and all contracts heretofore entered into by any district or township highway  
34 commission which shall be incomplete on July 1, 1931, shall be taken over by the  
35 Department of Transportation and completed by the Department of Transportation by the  
36 use of money and funds applicable thereto, by the terms of the said contracts. Nothing in  
37 this section or in any section of Chapter 145 of the Public Laws of 1931 that may appear  
38 in this Code shall be construed to prohibit the levying of taxes authorized by law for the  
39 payment of interest or principal on outstanding bonds or other evidences of debt lawfully  
40 issued. Any county or road district which has heretofore issued bonds or other evidences  
41 of debt by authority of law for road improvement purposes may refund said bonds or  
42 other evidences of debt under and pursuant to the laws of the State of North Carolina  
43 relative thereto.

- 1       (b) Nothing in this Article prohibits counties from establishing service districts for  
2 road maintenance under Part 1, Article 16 of Chapter 153A of the General Statutes."  
3       Sec. 3. This act is effective upon ratification.