

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

S

4

SENATE BILL 353
Judiciary Committee Substitute Adopted 4/17/19
House Committee Substitute Favorable 8/7/19
Fourth Edition Engrossed 8/19/19

Short Title: Amend Cartway Path/Septic Tank Laws.

(Public)

Sponsors:

Referred to:

March 26, 2019

1 A BILL TO BE ENTITLED
2 AN ACT TO ALLOW FOR THE LAYING OFF OF A CARTWAY OF UP TO THIRTY FEET
3 AND TO CLARIFY CERTAIN SEPTIC TANK SETBACKS.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. G.S. 136-69 reads as rewritten:

6 "§ 136-69. Cartways, tramways, etc., laid out; procedure.

7 (a) If any person, firm, association, or corporation shall be engaged in the cultivation of
8 any land or the cutting and removing of any standing timber, or the working of any quarries,
9 mines, or minerals, or the operating of any industrial or manufacturing plants, or public or private
10 cemetery, or taking action preparatory to the operation of any such enterprises, to which there is
11 leading no public road or other adequate means of transportation, other than a navigable
12 waterway, affording necessary and proper means of ingress thereto and egress therefrom, such
13 person, firm, association, or corporation may institute a special proceeding as set out in the
14 preceding section (G.S. 136-68), and if it shall be made to appear to the court necessary,
15 reasonable and just that such person shall have a private way to a public road or watercourse or
16 railroad over the lands of other persons, the court shall appoint a jury of view of three
17 disinterested freeholders to view the premises and lay off a cartway, tramway, or railway of not
18 less than 18 feet in ~~width, width and not more than 30 feet in width,~~ or cableways, chutes, and
19 flumes, and assess the damages the owner or owners of the land crossed may sustain thereby, and
20 make report of their findings in writing to the clerk of the superior court. Exceptions to said report
21 may be filed by any interested party and such exceptions shall be heard and determined by the
22 clerk of the superior court. The clerk of the superior court may affirm or modify said report, or
23 set the same aside and order a new jury of view. All damages assessed by a judgment of the clerk,
24 together with the cost of the proceeding, shall be paid into the clerk's office before the petitioners
25 shall acquire any rights under said proceeding.

26 ...

27 (c) Where a tract of land lies partly in one county and partly in an adjoining county, or
28 where a tract of land lies wholly within one county and the public road nearest or from which the
29 most practical roadway to said land would run, lies in an adjoining county and the practical way
30 for a cartway to said land would lead over lands in an adjoining county, then and in that event
31 the proceeding for the laying out and establishing of a cartway may be commenced in either the
32 county in which the land is located or the adjoining county through which said cartway would
33 extend to the public road, and upon the filing of such petition in either county the clerk of the
34 court shall have jurisdiction to proceed for the appointment of a jury from the county in which



1 the petition is filed and proceed for the laying out and establishing of a cartway as if the tract of
2 land to be reached by the cartway and the entire length of the cartway are all located within the
3 bounds of said county in which the petition may be filed."

4 **SECTION 2.** Notwithstanding 15A NCAC 18A .1950(a)(15)(A)(iii), the minimum
5 horizontal distance between every sanitary sewage treatment and disposal system to downslope
6 interceptor drains, foundation drains, and stormwater diversions shall be 15 feet. 15A NCAC
7 18A .1950(a)(15) shall only apply to stormwater diversions with cuts of 2 feet or more in vertical
8 height.

9 **SECTION 3.** G.S. 153A-210.1(b), as amended by S.L. 2019-190, reads as rewritten:

10 (b) Sunset. – This Article expires July 1, ~~2020~~, 2025, for projects that have not been
11 approved under a final assessment resolution. For projects authorized in G.S. 153A-210.2(a1),
12 this Article expires July 1, 2022. The expiration does not affect the validity of assessments
13 imposed or to be imposed or bonds issued or authorized or to be issued or authorized under the
14 provisions of this Article if a final assessment resolution has been adopted prior to the effective
15 date of the expiration.

16 **SECTION 4.** This act is effective when it becomes law. Section 1 applies to special
17 proceedings filed on or after the date when this act becomes law. Section 2 applies to applications
18 and development plans submitted on or before August 1, 2019.