



This Bill Analysis reflects the contents of the bill as it was presented in committee.

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

2019-2020 General Assembly

Committee:	House Rules, Calendar, and Operations of the House	Date:	August 7, 2019
Introduced by:	Sens. McInnis, Gunn, Wells	Prepared by:	Jeremy Ray* Staff Attorney
Analysis of:	PCS to Second Edition S353-CSBH-30		

OVERVIEW: Senate Bill 353 would authorize the establishment of a cartway of not less than 18 feet in width and not more than 30 feet in width. The Proposed Committee Substitute would clarify certain septic tank setback distances for applications and development plans submitted on or before August 1, 2019.

CURRENT LAW:

Section 1 – Under current law, 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. A cartway will be granted only if:

- The person seeking the cartway is engaged in or preparing for one of the following activities on their property: cultivating land; cutting timber; working quarries, mines, or minerals; operating an industrial or manufacturing plant; or operating a public or private cemetery.
- The property is landlocked, lacking a public road or other adequate means of transportation to and from the property.
- The court determines that a cartway is necessary, reasonable, and just.

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. There currently is no maximum width for the cartway that may be established through this procedure.

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. The implementation of this requirement and other septic tank regulations can be delegated to local governments.

BILL ANALYSIS: Senate Bill 353 would authorize a jury of view to lay off a cartway of not less than 18 feet in width and not more than 30 feet in width. The PCS to Senate Bill 253 adds Section 2 which would clarify 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.

EFFECTIVE DATE: This act is effective when it becomes law. Section 1 applies to special proceedings filed on or after the date when this act becomes law. Section 2 applies to applications and development plans submitted on or before August 1, 2019.

**Jeff Hudson and Shawn Middlebrooks, Staff Attorneys with the Legislative Analysis Division, substantially contributed to this summary.*

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