



CHAPTER 162A
ARTICLE 1 - WATER AND SEWER AUTHORITIES

N.C.G.S. § 162A-3.1.

Alternative procedure for creation.

SOURCE General Statutes of North Carolina, as published by the General Assembly	LAST AMENDMENT IN THIS TEXT S.L. 2023-126, s. 2 — fifth act in the lineage	RETRIEVED 21 September 2026, 03:34 UTC	SOURCE FINGERPRINT 4151ec79f4701443cefcea90 - 00ecb7da5ae0796fd53719c2 - 904fa5ecc212d53b
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§ 162A-3.1(a) As an alternative to the procedure set forth in G.S. 162A-3, the governing body of a single county or the governing bodies of any two or more political subdivisions may by resolution signify their determination to organize an authority under the provisions of this section of this Article. Each of such resolutions shall be adopted after a public hearing thereon, notice of which hearing shall be given by publication at least once, not less than 10 days prior to the date fixed for such hearing, in a newspaper having a general circulation in the political subdivision. Such notice shall contain a brief statement of the substance of the proposed resolution, shall set forth the proposed articles of incorporation of the authority and shall state the time and place of the public hearing. No such political subdivision shall be required to make any other publication of such resolution under the provisions of any other law.

§ 162A-3.1(a1) If an authority is organized by three or more political subdivisions, it may include in its organization nonprofit water corporations. The board of directors of a nonprofit water corporation must signify the corporation's determination to participate in the organization of the authority by adopting a resolution that meets the requirements of subsection (b) of this section. The nonprofit water corporation is not subject to the notice and public hearing requirements of subsection (a) of this section. For all other purposes of this Article, the nonprofit water corporation shall be considered to be a political subdivision.

§ 162A-3.1(a2) If an authority is organized by three or more political subdivisions, it may include in its organization the State of North Carolina. The State of North Carolina is not subject to the notice and public hearing requirements of subsection (a) of this section. For

purposes of this Article, the State of North Carolina shall be a political subdivision and its governing body shall be the Council of State.

§ 162A-3.1(a3)

An authority may include one or more units of local government in a state adjoining a county in this State that is organizing an authority under this section, or a county in this State that contains one or more political subdivisions that are organizing an authority under this section, if that inclusion is permitted by the laws of the adjoining state. The governing body of the political subdivision in the adjoining state must adopt a resolution that meets the requirement of subsection (b) of this section and must also file the resolution with the Secretary of State of North Carolina and provide proof of publication as required by subsection (c) of this section. For all other purposes of this Article and notwithstanding the requirement of G.S. 162A-2(7) that a political subdivision be located in this State, the unit of local government in the adjoining state is considered a political subdivision.

§ 162A-3.1(b)

Each such resolution shall include articles of incorporation which shall set forth:

- (1) The name of the authority;
- (2) A statement that such authority is organized under this section of this Article;
- (3) The names of the organizing political subdivisions;
- (4) The names and addresses of the members of the authority appointed by the organizing political subdivisions; and
- (5) A statement that members of the authority will be limited to such members as may be appointed from time to time by the organizing political subdivisions.

§ 162A-3.1(c)

A certified copy of each of such resolutions signifying the determination to organize an authority under the provisions of this section of this Article shall be filed with the Secretary of State of North Carolina, together with proof of publication of the notice of hearing on each of such resolutions. If the Secretary of State finds that the resolutions, including the articles of incorporation, conform to the provisions of this section of this Article and that the notices of hearing were properly published, he shall file such resolutions and proofs of publication in his office and shall issue a certificate of incorporation under the seal of the State and shall record the same in an appropriate book of record in his office. The issuance of such certificate of incorporation by the Secretary of State shall constitute the authority a public body and body politic and corporate of the State of North Carolina. Said certificate of

incorporation shall be conclusive evidence of the fact that such authority has been duly created and established under the provisions of this section of this Article.

§ 162A-3.1(d)

When the authority has been duly organized and its officers elected as herein provided the secretary of the authority shall certify to the Secretary of State the names and addresses of such officers as well as the address of the principal office of the authority.

END OF SECTION TEXT

APPARATUS FOLLOWS — DERIVED, NOT ENACTED

APPARATUS I
5 ACTS

Amendment lineage

The State prints this history as a single parenthetical at the foot of the section. It is reproduced verbatim in the colophon and unpacked below in order of enactment.

1975		1999		2023
TICK HEIGHT = ACTS IN THAT YEAR		DASHED = RECODIFICATION, NOT AMENDMENT		
Nº	YEAR	ACT	CHARACTER	
01	1975	c. 224, s. 1	ENACTED	
02	1991	c. 516, s. 2	AMENDED	
03	2001	S.L. 2001-224, s. 2	AMENDED	
04	2002	S.L. 2002-76, s. 2	AMENDED	
05	2023	S.L. 2023-126, s. 2	AMENDED	

APPARATUS II
2 AUTHORITIES

Authorities referenced

Every G.S. cross-reference appearing in the text of this section, in order of first appearance. Nothing is characterized; the operative language is quoted from the section itself.

REFERENCE	APPEARS IN	OPERATIVE LANGUAGE IN THIS SECTION
G.S. 162A-3	(a)	"to the procedure set forth in"
G.S. 162A-2(7)	(a3)	"Article and notwithstanding the requirement of"

APPARATUS III

Citation

FULL SECTION

N.C. Gen. Stat. § 162A-3.1 (2023).

PINPOINT

N.C. Gen. Stat. § 162A-3.1(a) (2023).

Pinpoint keys are set in the left margin of the text rather than line numbers: subsection designators are stable across editions and paper sizes, line numbers are not.

COLOPHON

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HISTORY PARENTHETICAL, AS PRINTED BY THE STATE

(1975, c. 224, s. 1; 1991, c. 516, s. 2; 2001-224, s. 2; 2002-76, s. 2; 2023-126, s. 2.)

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