

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE BILL 775
Committee Substitute Favorable 4/28/93

Short Title: Wrightsville Water/Sewer/Waste Fees.

(Local)

Sponsors:

Referred to:

April 7, 1993

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE TOWN OF WRIGHTSVILLE BEACH TO PROVIDE, BY ORDINANCE, THAT THE OWNER OF THE PROPERTY SERVED IS LEGALLY RESPONSIBLE FOR WATER, SEWER, AND SOLID WASTE FEES AND TO IMPOSE A LIEN AGAINST THE PROPERTY SERVED IN THE CASE OF NONPAYMENT.

The General Assembly of North Carolina enacts:

Section 1. ♦G.S. 160A-314 is amended by adding a new subsection to read:

"(f) A city may adopt an ordinance providing that any fees and penalties for water, sewer, and solid waste services shall be legal obligations of the owner of the premises served, and, in the case of nonpayment, shall result in the imposition of a lien on the real property described in the bill that includes the fee. Such lien shall be valid only from the time of filing in the office of the Clerk of Superior Court for the county in which the premises served are located, a statement containing the name of the owner and address of the premises against which the lien is claimed, the name of the municipality claiming the lien, the amount of the unpaid fees and penalties for water, sewer, and solid waste services, and the dates of furnishing of such water, sewer, and solid waste services for which charges are asserted and the lien claimed. No lien under this subsection shall be valid unless filed in accordance with this subsection within 180 days of the date of furnishing of the water, sewer, and solid waste services."

Sec. 2. G.S. 160A-314(c) reads as rewritten:

"(c) Except as provided in subsection (d) subsections (d) and (f) of this section and G.S. 160A-314.1, rents, rates, fees, charges, and penalties for enterprisory services shall

1 be legal obligations of the person contracting for them, and shall in no case be a lien
2 upon the property or premises served, provided that no contract shall be necessary in the
3 case of structural and natural stormwater and drainage systems."

4 Sec. 3. G.S. 160A-314.1(b) reads as rewritten:

5 "(b) ~~A~~In addition to the authority to adopt an ordinance under G.S. 160A-314(f),
6 a city may adopt an ordinance providing that any fee imposed under subsection (a) or
7 under G.S. 160A-314 for collecting or disposing of solid waste may be billed with
8 property taxes, may be payable in the same manner as property taxes, and, in the case of
9 nonpayment, may be collected in any manner by which delinquent personal or real
10 property taxes can be collected. If an ordinance states that delinquent fees can be
11 collected in the same manner as delinquent real property taxes, the fees are a lien on the
12 real property described on the bill that includes the fee."

13 Sec. 4. This act shall apply only to the Town of Wrightsville Beach.

14 Sec. 5. This act is effective upon ratification.