

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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SENATE BILL 706\*

Short Title: Wrightsville Water/Sewer/Waste Fees.

(Local)

Sponsors: Senator Codington.

Referred to: Local Government and Regional Affairs.

April 6, 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 on the bill that includes the fee, from the date a notice of lien is filed in the office of the register of deeds. The notice of lien shall identify the property owner and include a legal description of the property and the amount owed for the service. The lien may be foreclosed in the same manner and have the same priority as set forth in G.S. 160A-233 for a lien for assessments."

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

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

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

9               Sec. 4. This act applies only to the Town of Wrightsville Beach.

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