

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

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**HOUSE BILL 1736
Committee Substitute Favorable 5/27/10**

Short Title: Local Delinquent Sewer Fees. (Local)

Sponsors:

Referred to:

May 18, 2010

A BILL TO BE ENTITLED

1 AN ACT TO AUTHORIZE THE CITY OF LOCUST AND THE TOWNS OF NEW
2 LONDON AND STANFIELD TO ATTACH PERSONAL PROPERTY, GARNISH
3 WAGES, AND PLACE LIENS ON CERTAIN REAL PROPERTY TO COLLECT
4 UNPAID FEES FOR SEWER SERVICES.
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6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** A city may adopt an ordinance providing that a fee charged by the
8 city for sewer services and remaining unpaid for a period of 90 days may be collected in any
9 manner by which delinquent personal or real property taxes can be collected. If the ordinance
10 states that delinquent fees may be collected in the same manner as delinquent real property
11 taxes, the delinquent fees are a lien on the real property owned by the person contracting with
12 the city for the service, and the ordinance shall provide for an appeals process. If a lien is
13 placed on real property, the lien shall be valid from the time of filing in the office of the clerk
14 of superior court of the county in which the service was provided and shall include a statement
15 containing the name and address of the person against whom the lien is claimed, the name of
16 the city claiming the lien, the specific service that was provided, the amount of the unpaid
17 charge for that service, and the date and place of furnishing that service. A lien on real property
18 is not effective against an interest in real property conveyed after the fees become delinquent if
19 the interest is recorded in the office of the register of deeds prior to the filing of the lien for
20 delinquent water or sewer services. No lien under this act shall be valid unless filed in
21 accordance with this section after 90 days of the date of the failure to pay for the service or
22 availability fees. The lien may be discharged as provided in G.S. 44-48.

23 The city shall adopt an appeals process providing notice and an opportunity to be
24 heard in protest of the imposition of such liens. The county tax office, once notified of the city's
25 lien, shall include the lien amount on any tax bills printed subsequent to the notification. The
26 county tax office shall add or remove liens from the tax bill at the request of the city (such as in
27 the case of an appeal where the city decides to cancel the lien).

28 **SECTION 2.** This act applies to the City of Locust and to the Towns of New
29 London and Stanfield.

30 **SECTION 3.** This act is effective when it becomes law.

