

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2005**

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**SENATE DRS75450-LM-165 (05/09)**

Short Title: Sunset Beach/Sewage Collection System.

(Local)

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Sponsors: Senator Soles.

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Referred to:

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A BILL TO BE ENTITLED

1  
2 AN ACT AUTHORIZING THE TOWN OF SUNSET BEACH TO LEVY SPECIAL  
3 ASSESSMENTS TO MEET THE COST OF CONSTRUCTING SEWAGE  
4 COLLECTION AND TREATMENT FACILITIES PRIOR TO THE  
5 CONSTRUCTION OF THE FACILITIES.

6       Whereas, the Town of Sunset Beach is without sewage collection and  
7 treatment facilities and the health and safety of the Town require their construction; and

8       Whereas, the Town does not have the funds needed to build the facilities; and

9       Whereas, the Town has determined that the only way to construct the  
10 facilities in a proper and timely manner is to require that property owners meet their  
11 special assessment obligations prior to the letting of contracts for the construction; Now,  
12 therefore,

13 The General Assembly of North Carolina enacts:

14       **SECTION 1.** The Town Council of the Town of Sunset Beach may levy  
15 special assessments to meet the estimated cost of sewage collection and treatment  
16 facilities. The assessment roll shall become effective on a date set by the Council that is  
17 at least 30 days following the formal advertising for bids covering the proposed work.

18       **SECTION 2.** The Town Council of the Town of Sunset Beach may give  
19 owners of assessed property the option of paying the assessment either in cash or in  
20 installments, but the period over which the installments are paid shall not exceed one  
21 year from the date the assessment roll is confirmed. Any portion of an assessment that  
22 is not paid within 30 days after publication of the notice that the assessment roll has  
23 been confirmed shall bear interest until paid at a rate to be fixed in the assessment  
24 resolution but not more than eight percent (8%) per annum.

25       **SECTION 3.** In the event the execution of a contract (or contracts) covering  
26 the proposed work is not forthcoming within one year from the date the assessment roll  
27 is confirmed, all assessments for the purpose of meeting the cost of constructing sewage

1 collection and treatment facilities paid to the Town of Sunset Beach shall be returned to  
2 each payee within 30 days along with interest at a rate not less than six percent (6%) per  
3 annum for the period each assessment payment is held by the Town; however, interest  
4 shall be paid on no assessment funds for a period in excess of 90 days.

5 **SECTION 4.** All assessment funds received by the Town may be deposited  
6 in a special interest-bearing account, and any interest earned and retained by the Town  
7 shall be used to offset expenses incurred with regard to the proposed sewage collection  
8 and treatment facilities.

9 **SECTION 5.** In levying the special assessments, the Town Council shall  
10 follow, insofar as practicable, the procedures set forth in Article 10 of Chapter 160A of  
11 the General Statutes.

12 **SECTION 6.** When the construction of the sewage collection and treatment  
13 facilities is complete, the Town Council shall ascertain the total cost as provided in  
14 G.S. 160A-226. If the total cost is greater than the estimated cost, the Town Council  
15 may levy special assessments to collect the difference on the same basis as the first  
16 special assessments were made. The provisions of Section 2 of this act shall apply to  
17 the paying of special assessments levied under this section.

18 **SECTION 7.** This act is effective when it becomes law.