

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003**

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**HOUSE BILL 469
Committee Substitute Favorable 4/28/03
Committee Substitute #2 Favorable 4/29/03
Senate Finance Committee Substitute Adopted 6/12/03**

Short Title: Several Counties Unpaid Fees Collection.

(Local)

Sponsors:

Referred to:

March 13, 2003

A BILL TO BE ENTITLED

1
2 AN ACT TO AUTHORIZE COLUMBUS, DAVIE, DUPLIN, AND LENOIR
3 COUNTIES, CERTAIN DISTRICTS CREATED BY THESE COUNTIES, AND
4 MUNICIPALITIES LOCATED WITHIN THESE COUNTIES TO ATTACH
5 PERSONAL PROPERTY, GARNISH WAGES, AND PLACE LIENS ON
6 CERTAIN REAL PROPERTY TO COLLECT UNPAID FEES FOR WATER AND
7 SEWER SERVICES.

8 The General Assembly of North Carolina enacts:

9 **SECTION 1.** A county may adopt an ordinance providing that a fee charged
10 by the county for water or sewer services and remaining unpaid for a period of 90 days
11 may be collected in any manner by which delinquent personal or real property taxes can
12 be collected. If the ordinance states that delinquent fees may be collected in the same
13 manner as delinquent real property taxes, the delinquent fees are a lien on the real
14 property owned by the person contracting with the county for the service, and the
15 ordinance shall provide for an appeals process. If a lien is placed on real property, the
16 lien shall be valid from the time of filing in the office of the clerk of superior court of
17 the county in which the service was provided a statement containing the name and
18 address of the person against whom the lien is claimed, the name of the county, county
19 water and sewer district, county service district, or municipality, whichever applies,
20 claiming the lien, the specific service that was provided, the amount of the unpaid
21 charge for that service, and the date and place of furnishing that service. No lien under
22 this act shall be valid unless filed in accordance with this section after 90 days of the
23 date of the failure to pay for the service and within 180 days of the date of the failure to
24 pay for the service. The lien may be discharged as provided in G.S. 44-48.

25 **SECTION 2.** The reference to county shall include a county, a county water
26 and sewer district created under Article 6 of Chapter 162A of the General Statutes, a

1 county service district created under Article 16 of Chapter 153A of the General Statutes,
2 or a municipality located wholly or partly within that county.

3 **SECTION 3.** This act shall not apply to fees collectable under Articles 9A
4 and 9B of Chapter 44 of the General Statutes, G.S. 153A-293, and G.S. 160A-314.1.

5 **SECTION 4.** This act applies only to Columbus, Davie, Duplin, and Lenoir
6 Counties, county water and sewer districts located in Columbus, Davie, Duplin, or
7 Lenoir County, county service districts located within Columbus, Davie, Duplin, or
8 Lenoir County, and municipalities located wholly or partially within Columbus, Davie,
9 Duplin, or Lenoir County.

10 **SECTION 5.** This act becomes effective July 1, 2003.