GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

H **D**

HOUSE BILL 1054
PROPOSED COMMITTEE SUBSTITUTE H1054-PCS10589-RW-93

Short Title: Spindale/Cape Fear Sewer Fee Collection. (Local)

Sponsors:

Referred to:

May 15, 2014

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE TOWN OF SPINDALE AND THE CAPE FEAR PUBLIC UTILITY AUTHORITY TO ATTACH PERSONAL PROPERTY, GARNISH WAGES, AND PLACE LIENS ON CERTAIN REAL PROPERTY TO COLLECT UNPAID FEES FOR SEWER AVAILABILITY.

The General Assembly of North Carolina enacts:

SECTION 1. If a town enters into an interlocal contract or agreement pursuant to G.S. 160A-461 for the county to place on the tax bill and to collect a sewer availability fee charged by the town, the county may collect the fee in any manner by which delinquent real property taxes can be collected. Fees become delinquent and accrue interest in the same manner as delinquent real property taxes. The delinquent fee is a lien on the real property owned by the person and benefitted by the sewer availability and shall have the same priority as local property tax liens. Fees and associated liens shall be released or refunded by the town only pursuant to the release and refund provisions that apply to property taxes under G.S. 105-381.

SECTION 2. Section 1 applies only to the Town of Spindale.

SECTION 3. A water and sewer authority created under Article 1 of Chapter 162A of the General Statutes may adopt an ordinance providing that a fee charged by the authority for sewer availability services and remaining unpaid for a period of 90 days may be collected in any manner by which delinquent real property taxes can be collected. If the ordinance states that delinquent fees may be collected in the same manner as delinquent real property taxes, the delinquent fees are a lien on the real property owned by the person and benefitted by the sewer availability. The ordinance adopted by the authority shall provide for an appeals process.

SECTION 4. Section 3 of this act is not intended to in any way alter or modify the priority of a lien established for city and county taxes under Chapter 105 of the General Statutes, and any debt due the Cape Fear Public Utility Authority shall be expressly subordinate to any county or city tax.

SECTION 5. Sections 3 and 4 apply only to the Cape Fear Public Utility Authority.

SECTION 6. This act is effective when it becomes law.