GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE BILL 991
Senate Finance Committee Substitute Adopted 7/14/09

Short Title: Montgomery County Debt Collection/Water. (Local)

Sponsors:

Referred to:

April 2, 2009

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE MONTGOMERY COUNTY TO ATTACH PERSONAL PROPERTY, GARNISH WAGES, AND PLACE LIENS ON CERTAIN REAL PROPERTY TO COLLECT UNPAID FEES FOR WATER AND SEWER SERVICES.

The General Assembly of North Carolina enacts:

SECTION 1. A county may adopt an ordinance providing that a fee charged by the county for water or sewer services and remaining unpaid for a period of 90 days may be collected in any manner by which delinquent personal or 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 contracting with the county for the service, and the ordinance shall provide for an appeals process. If a lien is placed on real property, the lien shall be valid from the time of filing in the office of the clerk of superior court of the county in which the service was provided a statement containing the name and address of the person against whom the lien is claimed, the name of the county claiming the lien, the specific service that was provided, the amount of the unpaid charge for that service, and the date and place of furnishing that service. No lien under this act shall be valid unless filed in accordance with this section after 90 days of the date of the failure to pay for the service and within 180 days of the date of the failure to pay for the service. The lien may be discharged as provided in G.S. 44-48. A lien on real property is not effective against real property owned by purchasers for a valuable consideration, including trustees under deeds of trusts on the real property and mortgagees under mortgages which secure indebtedness, whose interest has been registered in the office of the register of deeds of Montgomery County prior to the filing of the lien.

SECTION 2. This act shall not apply to fees collectable under Articles 9A and 9B of Chapter 44 of the General Statutes and G.S. 153A-293.

SECTION 3. This act applies to Montgomery County only.

SECTION 4. This act is effective when it becomes law.