GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

S **1**

SENATE BILL 876

Short Title:	Town of Fairmont/Utility Bill Collections.	(Local)
Sponsors:	Senator Smith (Primary Sponsor).	
Referred to:	State and Local Government	

May 12, 2016

A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE TOWN OF FAIRMONT TO ATTACH PERSONAL PROPERTY, GARNISH WAGES, AND PLACE LIENS ON CERTAIN REAL PROPERTY TO COLLECT UNPAID FEES FOR PUBLIC ENTERPRISE SERVICES.

The General Assembly of North Carolina enacts:

SECTION 1. Article VII of the Charter of the Town of Fairmont, being Chapter 288 of the 1973 Session Laws, is amended by adding a new section to read as follows:

"Section 7.3. Public Enterprise Services; Fee Collection. – If a fee charged by the Town for a public enterprise service remains unpaid for a period of at least 90 days, the Town may collect it in any manner by which delinquent personal or real property taxes can be collected. If the delinquent fees are 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 Town for the service. 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 and shall include a statement containing the name and address of the person against whom the lien is claimed, the name of the Town, the specific service that was provided, the amount of the unpaid charge for that service, and the date and place of furnishing that service. A lien on real property is not effective against an interest in real property conveyed after the fees become delinquent if the interest is recorded in the office of the register of deeds prior to the filing of the lien for delinquent fees. No lien under this section shall be valid unless filed in accordance with the provisions of this section after 90 days of the date of the failure to pay for the service or availability fees and within 180 days of the date of the failure to pay for the service or fees. The lien may be discharged as provided in G.S. 44-48. The Town shall adopt an appeals process providing notice and an opportunity to be heard in protest of the imposition of such liens. The county tax office, once notified of the Town's lien, shall include the lien amount on any tax bills printed subsequent to the notification. The county tax office shall add or remove liens from the tax bill at the request of the Town, such as in the case of an appeal where the Town decides to cancel the lien. The remedies authorized in this section are not exclusive, and the Town may use any and all other collection procedures authorized by general law, including, but not limited to, the debt setoff provisions of Chapter 105A of the General Statutes."

SECTION 2. This act is effective when it becomes law.