

NORTH CAROLINA GENERAL ASSEMBLY
1969 SESSION

CHAPTER 855
HOUSE BILL 1050

AN ACT TO PROVIDE FOR GARNISHMENT AND ATTACHMENT IN
COLLECTION OF DELINQUENT FIRE PROTECTION SERVICE CHARGES
DUE TO SCOTLAND COUNTY AND MUNICIPALITIES THEREIN.

The General Assembly of North Carolina do enact:

Section 1. Whenever fire protection services are provided by a county or by a municipally owned and operated fire protection service and a recipient of such services or one legally responsible for the support of a recipient of such services fails to pay charges fixed for such services for a period of ninety (90) days after the rendering of such services, the county or municipality providing the fire protection services may treat the amount due for such services as if it were a tax due to the county or municipality and may proceed to collect the amount due through the use of Attachment and Garnishment proceedings as set out in G.S. 105-385(d).

Sec. 2. There is hereby created a general lien upon the real property of any person who has been furnished fire protection service by a county or municipal agency or at the expense of a county or municipal government, or upon the real property of one legally responsible for the support of any person who has been furnished such service.

Sec. 3. No lien created by Section 2 of this Act shall be valid but from the time of filing in the office of the Clerk of Superior Court a statement containing the name and address of the person against whom the lien is claimed, the name of the county or municipality claiming the lien, the amount of the unpaid charge for fire protection service, and the date and place of furnishing the service for which charges are asserted and the lien claimed. No lien under this Act shall be valid unless filed after ninety (90) days of the date of the furnishing of fire protection service, and within one hundred eighty (180) days of the date of the furnishing of such service.

Sec. 4. Liens created by this Act may be discharged as follows:

(1) By filing with the Clerk of Superior Court a receipt of acknowledgment, signed by the county treasurer, that the lien has been paid or discharged;

(2) By depositing with the Clerk of Superior Court money equal to the amount of the claim, which money shall be held for the benefit of the claimant; or

(3) By an entry in the lien docket that the action on the part of the lien claimant to enforce the lien has been dismissed, or a judgment has been rendered against the claimant in such action.

Sec. 5. The provisions of this Act shall apply only to Scotland County and the municipalities therein.

Sec. 6. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 7. This Act shall be effective on and after its ratification.

In the General Assembly read three times and ratified, this the 16th day of June, 1969.