

GENERAL ASSEMBLY OF NORTH CAROLINA
1983 SESSION

CHAPTER 1057
HOUSE BILL 1597

AN ACT TO AUTHORIZE THE TOWN OF OCEAN ISLE BEACH TO LEVY SPECIAL ASSESSMENTS TO MEET A PORTION OF THE COST OF CONSTRUCTING SEWAGE COLLECTION AND TREATMENT FACILITIES PRIOR TO CONSTRUCTION COMPLETION OF SUCH SYSTEM.

Whereas, the Town of Ocean Isle Beach is without sewage collection and treatment facilities and the health and safety of the Town requires their construction; and

Whereas, preliminary plans for installing sewage collection and treatment facilities at a cost of more than five million dollars (\$5,000,000) have been developed; and

Whereas, voters of the Town approved the issuance of six hundred thousand dollars (\$600,000) in general obligation bonds on June 14, 1980, and the issuance of two million eight hundred thousand dollars (\$2,800,000) in general obligation bonds to meet part of the cost of constructing sewage collection and treatment facilities in a referendum held on May 8, 1984, by a vote of 117 to 25; and

Whereas, there is general agreement by the Town's citizens and property owners that part of the cost of constructing the sewage collection and treatment facilities should be met from special assessments against the property to be served; and

Whereas, undertaking the construction of the sewage collection and treatment facilities in a proper and timely manner will require that property owners meet their special assessment obligations prior to the letting of the contracts for such construction; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. The Board of Commissioners of the Town of Ocean Isle Beach may levy special assessments to meet part of the cost of sewage collection and treatment facilities. The assessment roll shall become effective on a date set by the Board that is at least 30 days following the formal advertising for bids covering at least four million dollars (\$4,000,000) of the proposed work. The Board shall levy the special assessments in accord with a schedule that it develops and that is based on front footage of property on a street, the type of developed property being served, or a combination of these factors. The maximum special assessment that the Board may levy against any property may not exceed the greater of the following:

- (1) six dollars (\$6.00) per front foot,

- (2) three hundred dollars (\$300.00) per single family residence, condominium, or apartment,
- (3) one hundred dollars (\$100.00) per room (including efficiencies) in a motel or hotel,
- (4) five hundred dollars (\$500.00) for a duplex residence,
- (5) one dollar (\$1.00) per square foot of enclosed space of commercial property not covered above.

Sec. 2. The Board of Commissioners of the Town of Ocean Isle Beach may give owners of assessed property the option of paying the assessment either in cash or in installments, provided however, that the period over which such installments are paid does not exceed one year from the date the assessment roll is confirmed. Any portion of an assessment that is not paid within 30 days after publication of the notice that the assessment roll has been confirmed shall bear interest until paid at a rate to be fixed in the assessment resolution but not more than eight percent (8%) per annum.

Sec. 3. In the event the execution of a contract (or contracts) covering at least four million dollars (\$4,000,000) of the proposed work is not forthcoming within 120 days from the date the assessment roll is confirmed, all assessments for the purpose of meeting a portion of the cost of constructing sewage collection and treatment facilities paid to the Town of Ocean Isle Beach shall be returned to each payee within 30 days along with interest at a rate not less than six percent (6%) per annum for the period each assessment payment is held by the Town; however, interest shall be paid on no assessment funds for a period in excess of 90 days.

Sec. 4. All assessment funds received by the Town may be deposited in a special interest-bearing account; any interest earned and retained by the Town shall be used to offset expenses incurred with regard to the proposed sewage collection and treatment facilities.

Sec. 5. In levying the special assessments, the Board shall follow, insofar as practicable, the procedures set forth in Article 10 of Chapter 160A of the General Statutes of North Carolina.

Sec. 6. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 2nd day of July, 1984.