

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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HOUSE BILL 1162

Short Title: Farmville Water/Sewer Availability Charge. (Local)

Sponsors: Representative E. Warren.

Referred to: Local Government I, if favorable, Finance.

March 29, 2007

A BILL TO BE ENTITLED

1 AN ACT PROVIDING THAT THE TOWN OF FARMVILLE MAY REQUIRE
2 PROPERTY OWNERS WHO CONNECT TO THE TOWN'S WATER OR SEWER
3 LINE AND LEAVE THE PROPERTY VACANT FOR SIX MONTHS OR
4 LONGER TO PAY A PERIODIC AVAILABILITY CHARGE.
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6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** G.S. 160A-317(a) reads as rewritten:

8 "(a) Connections. – A city may require an owner of developed property on which
9 there are situated one or more residential dwelling units or commercial establishments
10 located within the city limits and within a reasonable distance of any water line or sewer
11 collection line owned, leased as lessee, or operated by the city or on behalf of the city to
12 connect the owner's premises with the water or sewer line or both, and may fix charges
13 for the connections. In lieu of requiring connection under this subsection and in order to
14 avoid hardship, the city may require payment of a periodic availability charge, not to
15 exceed the minimum periodic service charge for properties that are connected. The city
16 may also require payment of a periodic availability charge, not to exceed the minimum
17 periodic service charge for properties that are connected, where the owner's property has
18 been connected with the city's water or sewer line or both as required by this section,
19 and the property is left vacant for a period of six months or longer."

20 **SECTION 2.(a)** Termination of Utility Services; Charges Become Liens. (a)
21 Notwithstanding the provisions of G.S. 160A-314, or any other provisions of law, in
22 case any charges for water service or sewerage service due and owing to the city are not
23 paid, the charges and any penalties assessed for nonpayment shall become a lien upon
24 the property served or in connection with which service is used, upon compliance with
25 the procedure set out in this section. However, no charges shall become a lien unless
26 the charges were incurred by the owner of the particular property.

27 **SECTION 2.(b)** Upon nonpayment, the city shall give the customer a fair
28 opportunity to avoid termination of utility service and application of the charges and
29 penalties as a lien against the property, by paying the charges due or showing that the

1 charges are in error. As soon as possible following the specified past due date, written
2 notice of delinquency shall be sent to the customer by first-class mail.

3 **SECTION 2.(c)** The notice required by subsection (b) of this section shall
4 contain all of the following information:

5 (1) The amount that must be paid to avoid termination.

6 (2) The date on which termination will occur, which must be at least 10
7 days after the mailing date.

8 (3) A statement that the customer may appear at city hall between the
9 hours of 9:00 A.M. and 4:00 P.M. on any business day and request an
10 informal hearing with the city manager or designee for the purpose of
11 showing error or working out a satisfactory extended payment
12 arrangement.

13 (4) A statement that failure by the customer to appear and show error,
14 make payment, or work out a satisfactory extended payment
15 arrangement shall result in the charges and penalties being applied as a
16 lien against the real property, which may be enforced by sale of the
17 real property as provided by law.

18 **SECTION 2.(d)** The employee responsible for mailing the notice as
19 provided in subsections (b) and (c) of this section shall certify the date on which the
20 notice was mailed on a form or in a record book or electronic medium designed for that
21 purpose.

22 **SECTION 2.(e)** If the customer does not make acceptable payment
23 arrangements and fails to show cause why service should not be terminated and the
24 charges and penalties applied as a lien against the property, service may be terminated
25 on or after the date specified in the notice of termination, and the charges and penalties
26 may be applied as a lien against the property. Service may be terminated between the
27 hours of 8:30 A.M. and 4:00 P.M. on business days from Monday through Thursday
28 only. If the customer fails to comply with the agreed upon extended payment
29 arrangements, service may be terminated without further notice, and the charges and
30 penalties may be applied as a lien.

31 **SECTION 2.(f)** Unpaid charges and penalties may at any time be collected
32 by civil action in the name of the city. In addition, the charges and penalties may be
33 collected by the city tax collector by sale of the property to which the lien attaches, as
34 provided in G.S. 105-375, and the lien shall be treated as a property tax lien for the
35 purposes of that statute. The lien shall attach on the date on which the certificate of
36 charges due is docketed as provided in G.S. 105-375(d) and shall continue until the
37 principal amount of the charges plus penalties, interest, and costs allowed by law have
38 been fully paid.

39 **SECTION 3.** This act applies to the Town of Farmville only.

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