

ATTACHMENT, GARNISHMENT AND LIENS
FOR DUPLIN COUNTY WATER SERVICE
ORDINANCE

PREAMBLE:

WHEREAS, in the opinion of the Duplin County Board of Commissioners it is necessary to establish the ability to attach, garnish and place liens on real property in order to collect unpaid fees for Duplin County water service as it relates it promotes the health, safety, and general welfare of the citizens of Duplin County ;

WHEREAS, the State of North Carolina has authorized Duplin County pursuant to S.L. 2003-270, HB 469 to establish by ordinance the ability to attach, garnish and place liens of real property in order to collect unpaid fees for Duplin County water service, including water districts A, B, D, E, F, and G, respectively;

NOW, THEREFORE BE IT ORDAINED BY THE DUPLIN COUNTY BOARD OF COMMISSIONERS AS FOLLOWS:

SECTION 1.0 Any fee charged by Duplin County for water services and remaining unpaid for a period of ninety (90) days may be collected in any manner by which delinquent personal or real property taxes can be collected.

SECTION 2.0 Any and all delinquent fees are a lien on the real property owned by the person contracting with Duplin County for the water service, specifically Districts A, B, D, E, F, G and Duplin County District. Duplin County shall file a statement containing the name and address of the person against whom the lien is claimed with the Duplin County Clerk of Superior Court. The statement shall also state that water service was provided, the amount of the unpaid charges for the water services, and the date and place where the water services were furnished. The lien shall attach on the date the lien is filed with the Duplin County Clerk of Superior Court.

Section 3.0 The lien shall not be valid unless filed within one hundred eighty (180) days of the failure to pay for the water service.

Section 4.0 Any individual may appeal the filing of a lien on real property by filing a written request for hearing with Duplin County Manager, 221 Seminary Street, Kenansville, NC 28349. A lien may be discharged pursuant to N.C. Gen. Stat. §44-48.

Section 5.0 This Ordinance shall be effective and be in full force from and after the _____ . Adopted by the Duplin County Board of Commissioners this the _____ day of _____, 2010.

Chairman, Duplin County Board of Commissioners

Attest: _____
Clerk to the Board