

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 1431

Short Title: Gastonia Lien Authority.

(Local)

Sponsors: Representatives Abernethy, Dickson, Gamble; and Rhyne.

Referred to: Local and Regional Government II.

June 1, 1992

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THE LIEN AUTHORITY OF THE CITY OF GASTONIA.

The General Assembly of North Carolina enacts:

Section 1. Section 9.1 of the Charter of the City of Gastonia, being Chapter 557, Session Laws of 1991, reads as rewritten:

"Sec. 9.1. **Public Enterprise User Fees and Charges.** Notwithstanding the provisions of G.S. 160A-314, or any other provision of law, in case any charges for utility service or for the use of utility facilities, or solid waste collection or disposal due and owing to the City are not paid within 10 days after they become due, then such charges and any penalties assessed for nonpayment shall become a lien upon the property served or in connection with which the service or facility is used and upon all personal property situated upon such real property, as originally authorized by Chapter 910, Session Laws of 1971, as amended by Chapter 1187, Session Laws of 1973. The charge may at any time thereafter be collected, either by suit in the name of the City or ~~by the City Tax Collector, through the sale of the property upon which the lien attaches at the Gaston County courthouse door, after advertising the sale once a week for four successive weeks in a newspaper of general circulation in the City which is qualified to carry legal notices.~~ The sale by: (i) levy and sale as prescribed by G.S. 105-367 in the case of tangible personal property; (ii) foreclosure by the **in rem** method as specified in G.S. 105-375; (iii) foreclosure of the lien in the nature of an action to foreclose a mortgage as specified in G.S. 105-374 in the case of real property or; (iv) attachment of bank deposits and garnishment of wages as specified in G.S. 105-368. Any sale made pursuant to this section shall be made under the same rules and regulations, and subject to the same

- 1 costs and penalties and to the same rights of redemption as are provided by law for the
- 2 foreclosure of the lien on personal property and on real estate for taxes."
- 3 Sec. 2. This act is effective upon ratification.