

NORTH CAROLINA GENERAL ASSEMBLY  
1965 SESSION

CHAPTER 1056  
HOUSE BILL 1078

AN ACT TO AMEND G. S. 160-241 TO AUTHORIZE THE GOVERNING BODY OF THE CITY OF RALEIGH TO ADOPT ALTERNATIVE METHODS OF ASSESSING THE COST OF THE EXTENSION OF WATER AND SEWER LINES AND CONNECTION THEREWITH IN ORDER TO PROVIDE MORE EQUITABLE TREATMENT OF PROPERTY OWNERS.

WHEREAS, the methods of making assessments for the extension of water and sewer lines to property owners within the City of Raleigh under existing provisions of the statute have not, in all cases, been equitable and free from hardship; and

WHEREAS, additional alternative methods are desirable to permit the elimination, so far as possible, of the hardships which have been heretofore suffered: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. G. S. 160-241, as amended, is further amended as follows:

(a) In addition to the methods provided by law for the assessment of the cost of the extension of water and sewer lines within the City of Raleigh and the collection of connection charges and tap-on fees, the City Council of the City of Raleigh may adopt either independently of or in connection with the existing law any of the following methods:

1. Determine the average cost of extending water or sewer lines to single family lots or parcels of land within the City of Raleigh by the method provided in Chapter 315 of the Session Laws of North Carolina, 1963, and to use such average cost in making an assessment against a single family residential lot or parcel of land to which water or sewer lines are extended.

If a lot or parcel of land used for a single family residential purpose is assessed under this Section and the lot or parcel of land is subdivided into additional lots for single family occupancy, the City Council may assess the additional lots or parcels of land into which the original parcel of land is from time to time divided on the basis of the average cost as determined under the provisions of paragraph one of this Section at the time the owner of the additional lot requests the utility service. Such assessment shall be made only after the owner of the newly created lot or lots has requested water or sewer service and an assessment against his property or has paid the

amount of the assessment in cash. In the absence of such request or payment the service shall be withheld from the property.

If a lot or parcel of land is used for any purpose other than for single family occupancy, the City Council may assess the lot or parcel of land used for such other purpose in an amount equal to the multiple of the assessment for a single family lot by the nearest number of times that the area so used is divisible by 20,000 feet but in no case shall the assessment be less than the assessment which would be made against a single family dwelling lot.

2. Require the payment of a connection fee or charge for the privilege of connecting with a water or sewer line and such connection fee or charge may be paid in cash or, at the request of the property owner, may be assessed against the property receiving the service payable over a period of years, in equal annual installments, with interest at six per cent (6%) per annum, payable annually, upon the unpaid balance of the assessment but the installment payments shall not exceed ten years from the date that the water or sewer line was made available to the property for connection therewith. After the expiration of ten years from the date the water or sewer line was made available to the property owner, the connection charge shall be payable in cash in one sum.

3. Establish a water or sewer assessment district to which water and sewer lines may be extended and the cost thereof assessed against the property owners benefiting therefrom. In the event the water or sewer lines shall pass through undeveloped property, no assessment shall be made against such undeveloped property until such time as a property owner in the undeveloped area requests water or sewer service. Upon such request, the City of Raleigh may assess the proportionate cost of the water or sewer extension against the property requesting service and such cost shall be added to the connection fee to be charged against the property to be served. The assessment shall be made at the request of the property owner and shall, at the option of the property owner, be payable in cash or in annual installments not to exceed ten years from the date that the service became available to the property, with interest from the date of the assessment, at six per cent (6%) per annum, payable annually on the unpaid balance of the assessment.

(b) The governing body of the City of Raleigh may assess the cost of tapping on to any available water or sewer line and permit the payment of such assessment in not more than twelve equal monthly installments, at the request of the property owner, with interest from the date of the assessment at six per cent (6%) per annum, payable monthly, on the unpaid balance of the assessment.

(c) The assessments enumerated herein shall become liens upon the property with the same priority as liens for assessments made under the provisions of Part 7 of Article 18 of Chapter 160 of the General Statutes of North Carolina, subject to the same Statute of Limitations, and may be collected in the same manner as those liens are collected.

Sec. 2. The term "tapping on" as used herein shall mean the installation of a service line between the water or sewer main and the property line. The term

"connection fees or charges" as used herein shall mean the fee charged to cover the proportionate cost of large mains, as determined by the City Council, which are necessary for the operation of the systems and for which no assessment is made.

Sec. 3. The provisions of this Act may be applied only to those assessments made after the ratification of this Act.

Sec. 4. This Act shall apply to the City of Raleigh only.

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of June, 1965.