

GENERAL ASSEMBLY OF NORTH CAROLINA

EXTRA SESSION 1994

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HOUSE BILL 52
Corrected Copy 2/9/94

Short Title: Medium City Code Enforcement.

(Public)

Sponsors: Representatives Arnold; Berry, Bowie, Brawley, Church, Culp, Daughtry, Dickson, Dockham, Grady, Hall, Hill, Ives, Lemmond, McCombs, Mitchell, Nichols, Russell, Sexton, Spears, Stewart, and Weatherly.

Referred to: Rules, Calendar & Operations of the House.

February 8, 1994

A BILL TO BE ENTITLED

1 AN ACT TO EXTEND TO MEDIUM-SIZE CITIES AUTHORIZATION TO ALLOW
2 DEMOLITION OF DWELLINGS FOLLOWING AN ORDER OF THE PUBLIC
3 OFFICER.
4

5 The General Assembly of North Carolina enacts:

6 Section 1. G.S. 160A-443(5a) reads as rewritten:

7 "(5a) If the governing body shall have adopted an ordinance, or the public
8 officer shall have issued an order, ordering a dwelling to be repaired or
9 vacated and closed, as provided in subdivision (3)a., and if the owner
10 has vacated and closed such dwelling and kept such dwelling vacated
11 and closed for a period of one year pursuant to the ordinance or order,
12 then if the governing body shall find that the owner has abandoned the
13 intent and purpose to repair, alter or improve the dwelling in order to
14 render it fit for human habitation and that the continuation of the
15 dwelling in its vacated and closed status would be inimical to the
16 health, safety, morals and welfare of the municipality in that the
17 dwelling would continue to deteriorate, would create a fire and safety
18 hazard, would be a threat to children and vagrants, would attract
19 persons intent on criminal activities, would cause or contribute to
20 blight and the deterioration of property values in the area, and would
21 render unavailable property and a dwelling which might otherwise

1 have been made available to ease the persistent shortage of decent and
2 affordable housing in this State, then in such circumstances, the
3 governing body may, after the expiration of such one year period,
4 enact an ordinance and serve such ordinance on the owner, setting
5 forth the following:

- 6 a. If it is determined that the repair of the dwelling to render it fit
7 for human habitation can be made at a cost not exceeding fifty
8 percent (50%) of the then current value of the dwelling, the
9 ordinance shall require that the owner either repair or demolish
10 and remove the dwelling within 90 days; or
11 b. If it is determined that the repair of the dwelling to render it fit
12 for human habitation cannot be made at a cost not exceeding
13 fifty percent (50%) of the then current value of the dwelling, the
14 ordinance shall require the owner to demolish and remove the
15 dwelling within 90 days.

16 This ordinance shall be recorded in the Office of the Register of
17 Deeds in the county wherein the property or properties are
18 located and shall be indexed in the name of the property owner
19 in the grantor index. If the owner fails to comply with this
20 ordinance, the public officer shall effectuate the purpose of the
21 ordinance.

22 This subdivision only applies to municipalities which:

- 23 a. ~~located~~ Are located in counties which have a population in
24 excess of ~~163,000~~ 163,000; or
25 b. Have a population in excess of 35,000
26 by the last federal census."

27 Sec. 2. This act is effective upon ratification.