

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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SENATE BILL 1152

Finance Committee Substitute Adopted 4/28/99
Third Edition Engrossed 4/29/99
House Committee Substitute Favorable 6/21/00
House Committee Substitute #2 Favorable 6/27/00
Sixth Edition Engrossed 7/11/00

Short Title: Nonresidential Abandoned Structures.

(Public)

Sponsors:

Referred to:

April 15, 1999

1 A BILL TO BE ENTITLED
2 AN ACT AUTHORIZING CITIES TO DEMOLISH AND REMOVE CERTAIN
3 NONRESIDENTIAL BUILDINGS AND STRUCTURES TO ENHANCE
4 ECONOMIC DEVELOPMENT EFFORTS.
5 The General Assembly of North Carolina enacts:
6 Section 1. G.S. 160A-426 reads as rewritten:
7 "**§ 160A-426. Unsafe buildings condemned.**
8 (a) Residential Building. – Every building which shall appear to the inspector to
9 be especially dangerous to life because of its liability to fire or because of bad condition
10 of walls, overloaded floors, defective construction, decay, unsafe wiring or heating
11 system, inadequate means of egress, or other causes, shall be held to be unsafe, and the
12 inspector shall affix a notice of the dangerous character of the structure to a conspicuous
13 place on the exterior wall of said building.

1 (b) Nonresidential Building or Structure. – An inspector may declare a
2 nonresidential building or structure within a community development target area to be
3 unsafe if it meets both of the following conditions:

4 (1) It appears to the inspector to be vacant or abandoned.

5 (2) It appears to the inspector to be in such dilapidated condition as to cause
6 or contribute to blight, disease, vagrancy, fire or safety hazard, to be a
7 danger to children, or to tend to attract persons intent on criminal
8 activities or other activities which would constitute a public nuisance.

9 If an inspector declares a nonresidential building or structure to be unsafe, the inspector
10 must affix a notice of the unsafe character of the structure to a conspicuous place on the
11 exterior wall of the building. For the purposes of this subsection, the term 'community
12 development target area' means an area that has characteristics of a development zone
13 under G.S. 105-129.3A, a 'nonresidential development area' under G.S. 160A-503(10), or
14 an area with similar characteristics designated by the city council as being in special need
15 of revitalization for the benefit and welfare of its citizens."

16 Section 2. G.S. 160A-428 reads as rewritten:

17 **"§ 160A-428. Action in event of failure to take corrective action.**

18 If the owner of a building or structure that has been condemned as unsafe pursuant to
19 G.S. 160A-426 shall fail to take prompt corrective action, the local inspector shall give
20 him written notice, by certified or registered mail to his last known address or by personal
21 service,

22 (1) That the building or structure is in a condition that appears to ~~constitute a~~
23 ~~fire or safety hazard or to be dangerous to life, health, or other property;~~ meet
24 one or more of the following conditions:

25 a. Constitutes a fire or safety hazard.

26 b. Is dangerous to life, health, or other property.

27 c. Is likely to cause or contribute to blight, disease, vagrancy, or
28 danger to children.

29 d. Has a tendency to attract persons intent on criminal activities or
30 other activities which would constitute a public nuisance.

31 (2) That a hearing will be held before the inspector at a designated place
32 and time, not later than 10 days after the date of the notice, at which
33 time the owner shall be entitled to be heard in person or by counsel and
34 to present arguments and evidence pertaining to the matter; and

35 (3) That following the hearing, the inspector may issue such order to repair,
36 close, vacate, or demolish the building or structure as appears
37 appropriate.

38 If the name or whereabouts of the owner cannot after due diligence be discovered, the
39 notice shall be considered properly and adequately served if a copy thereof is posted on
40 the outside of the building or structure in question at least 10 days prior to the hearing
41 and a notice of the hearing is published in a newspaper having general circulation in the
42 city at least once not later than one week prior to the hearing."

43 Section 3. G.S. 160A-432 reads as rewritten:

1 **"§ 160A-432. ~~Equitable enforcement.~~ Civil and equitable enforcement.**

2 (a) Civil Enforcement. – Whenever any violation is denominated a misdemeanor
3 under the provisions of this Part, the city, either in addition to or in lieu of other remedies,
4 may initiate any appropriate action or proceedings to prevent, restrain, correct, or abate
5 the violation or to prevent the occupancy of the building or structure involved.

6 (b) Equitable Enforcement. – In the case of a nonresidential building or structure
7 declared unsafe under G.S. 160A-426(b), a city may, in lieu of taking action under
8 subsection (a), cause the building or structure to be removed or demolished. The
9 amounts incurred by the city in connection with the removal or demolition shall be a lien
10 against the real property upon which the cost was incurred. The lien shall be filed, have
11 the same priority, and be collected in the same manner as liens for special assessments
12 provided in Article 10 of this Chapter. If the building or structure is removed or
13 demolished by the city, the city shall sell the usable materials of the building and any
14 personal property, fixtures, or appurtenances found in or attached to the building. The
15 city shall credit the proceeds of the sale against the cost of the removal or demolition.
16 Any balance remaining from the sale shall be deposited with the clerk of superior court of
17 the county where the property is located and shall be disbursed by the court to the person
18 found to be entitled thereto by final order or decree of the court.

19 (c) Nothing in this section shall be construed to impair or limit the power of the
20 city to define and declare nuisances and to cause their removal or abatement by summary
21 proceedings, or otherwise."

22 Section 4. G.S. 160A-430 reads as rewritten:

23 **"§ 160A-430. Appeal; finality of order if not appealed.**

24 Any owner who has received an order under G.S. 160A-429 may appeal from the
25 order to the city council by giving notice of appeal in writing to the inspector and to the
26 city clerk within 10 days following issuance of the order. In the absence of an appeal, the
27 order of the inspector shall be final. The city council shall hear and render a decision in
28 an appeal within a reasonable ~~time and~~ time. The city council may affirm, modify and
29 affirm, or revoke the order."

30 Section 5. Section 4 of this act becomes effective July 1, 2000, and applies to
31 appeals filed on or after that date. The remainder of this act is effective when it becomes
32 law.