

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

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HOUSE DRH10121-RW-19A (03/06)

Short Title: Just Comp./Local Gov. Taking.

(Public)

Sponsors: Representative Culpepper.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO REQUIRE LOCAL GOVERNMENTS TO PAY JUST
COMPENSATION FOR REMOVAL OF LAWFULLY ERECTED BUILDINGS,
STRUCTURES, OUTDOOR ADVERTISING, OR PERSONAL PROPERTY AND
TO AUTHORIZE LOCAL GOVERNMENTS TO ENTER INTO RELOCATION
AND RECONSTRUCTION AGREEMENTS WITH OWNERS OF
NONCONFORMING PROPERTIES.

The General Assembly of North Carolina enacts:

SECTION 1. Article 11 of Chapter 136 of the General Statutes is amended
by adding the following new section to read:

"§ 136-131.2. Acquisition by local governments of nonconforming property.

(a) A local governmental entity may acquire by purchase, gift, or condemnation, buildings, structures, outdoor advertising, or items of personal property attached to the land that are nonconforming under a local ordinance and may regulate the use of property within the jurisdiction of the local governmental entity in accordance with the applicable provisions of Chapter 153A and Chapter 160A of the General Statutes.

(b) As of January 1, 2003, no local governmental entity shall enact an ordinance that requires the removal of any nonconforming, lawfully erected building, structure, outdoor advertising, or item of personal property attached to the land without the payment of just compensation to the owner of the property. The requirement by a local governmental entity that a nonconforming use of property for outdoor advertising adjacent to a public street or highway right-of-way shall be terminated as a condition for the issuance or continuation of any required permit, or incident to acquisition of the property by a local governmental entity, is prohibited under without the payment of just compensation, as provided in this section.

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1 (c) Just compensation, for the purposes of this section, shall be the fair market
2 value of the buildings, structures, outdoor advertising, or items of personal property
3 attached to the land that are in place immediately prior to their removal and without
4 consideration of the effect of the ordinance or any diminution in value caused by the
5 ordinance requiring their removal, less the fair market value of the buildings, structures,
6 outdoor advertising, or items of personal property attached to the land immediately after
7 their removal.

8 (d) In lieu of just compensation, a local governmental entity may enter into
9 relocation and reconstruction agreements with owners of nonconforming property to be
10 removed, provided that the terms are agreeable to the owner of the buildings, structures,
11 outdoor advertising, or items of personal property attached to the land. A local
12 governmental entity may adopt an ordinance or resolution providing for relocation or
13 reconstruction agreements.

14 (e) The term "outdoor advertising", as used in this section, shall have the same
15 meaning as in G.S. 136-128(3), except that it shall include outdoor advertising visible
16 from the main-traveled way of any road."

17 **SECTION 2.** This act is effective when it becomes law.