

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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SENATE BILL 835
State and Local Government Committee Substitute Adopted 4/14/05

Short Title: Zoning/Jet Noise Zones.

(Public)

Sponsors:

Referred to:

March 23, 2005

A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE CREATION OF JET NOISE ZONES UNDER CITY AND COUNTY ZONING ORDINANCES AND REQUIRING THE DISCLOSURE OF MILITARY AIRPORT NOISE AND EVALUATION OF THE NEED FOR ADDITIONAL NOISE ABATEMENT REQUIREMENTS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 160A-381 is amended by adding a new subsection to read:

"(d) In addition to the other powers granted by this section, a city may create a jet noise zone, where appropriate for airfields that are used primarily for military purposes, as part of its zoning ordinance. This subsection only applies to cities located in counties with a population of at least 100,000 and containing only one military installation and that installation is an Air Force base."

SECTION 2. G.S. 153A-340 is amended by adding a new subsection to read:

"(e1) In addition to the other powers granted by this section, a county may create a jet noise zone, where appropriate for airfields that are used primarily for military purposes, as part of its zoning ordinance. This subsection only applies to counties with a population of at least 100,000 and containing only one military installation and that installation is an Air Force base."

SECTION 3. Article 9 of Chapter 39 is amended by adding a new section to read:

§ 39-51. Disclosure of military airport noise.

A potential buyer of a home or other structure situated in a noise zone designated by a city or county by reference to noise contour lines shall be informed by the seller of the property's inclusion in the zone if the noise levels due to military air activity associated with the zone would be material to the ordinary, reasonable, and prudent buyer. This section only applies to counties with a population of at least 100,000 and containing only one military installation and that installation is an Air Force base."

1 **SECTION 4.** G.S. 47E-4(b) reads as rewritten:

2 "(b) The North Carolina Real Estate Commission shall develop and require the
3 use of a standard disclosure statement to comply with the requirements of this section.
4 The disclosure statement shall specify that certain transfers of residential property are
5 excluded from this requirement by G.S. 47E-2, including transfers of residential
6 property made pursuant to a lease with an option to purchase where the lessee occupies
7 or intends to occupy the dwelling, and shall include at least the following characteristics
8 and conditions of the property:

- 9 (1) The water supply and sanitary sewage disposal system;
10 (2) The roof, chimneys, floors, foundation, basement, and other structural
11 components and any modifications of these structural components;
12 (3) The plumbing, electrical, heating, cooling, and other mechanical
13 systems;
14 (4) Present infestation of wood-destroying insects or organisms or past
15 infestation the damage for which has not been repaired;
16 (5) The zoning laws, restrictive covenants, building codes, and other
17 land-use restrictions affecting the real property, any encroachment of
18 the real property from or to adjacent real property, and notice from any
19 governmental agency affecting this real property; and
20 (6) Presence of lead-based paint, asbestos, radon gas, methane gas,
21 underground storage tank, hazardous material or toxic material
22 (whether buried or covered), and other environmental contamination.
23 (7) The potential negative impact of noise due to military aircraft or the
24 proximity of the property to military air installations. This subdivision
25 only applies to counties with a population of at least 100,000 and
26 containing only one military installation and that installation is an Air
27 Force base.

28 The disclosure statement shall provide the owner with the option to indicate whether
29 the owner has actual knowledge of the specified characteristics or conditions, or the
30 owner is making no representations as to any characteristic or condition."

31 **SECTION 5.** The North Carolina Building Code Council is directed to
32 evaluate the need for additional noise abatement requirements in jet noise zones and to
33 amend the State Building Code accordingly. This section only applies to counties with
34 a population of at least 100,000 and containing only one military installation and that
35 installation is an Air Force base.

36 **SECTION 6.** This act is effective when it becomes law.