

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

S

3

SENATE BILL 564
State and Local Government Committee Substitute Adopted 4/15/09
Third Edition Engrossed 4/21/09

Short Title: Statewide Nuisance Notice Authority.

(Public)

Sponsors:

Referred to:

March 12, 2009

1 A BILL TO BE ENTITLED
2 AN ACT TO AUTHORIZE ALL MUNICIPALITIES AND COUNTIES TO GIVE ANNUAL
3 NOTICE TO CHRONIC VIOLATORS OF THEIR PUBLIC NUISANCE ORDINANCES.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** Article 8 of Chapter 160A of the General Statutes is amended by
6 adding a new section to read:

7 **"§ 160A-200.1. Annual notice to chronic violators of public nuisance ordinance.**

8 A city may notify a chronic violator of the city's public nuisance ordinance that, if the
9 violator's property is found to be in violation of the ordinance, the city shall, without further
10 notice in the calendar year in which notice is given, take action to remedy the violation, and the
11 expense of the action shall become a lien upon the property and shall be collected as unpaid
12 taxes. The initial annual notice shall be served by certified mail. A chronic violator is a person
13 who owns property whereupon, in the previous calendar year, the city gave notice of violation
14 at least three times under any provision of the public nuisance ordinance."

15 **SECTION 2.** Article 6 of Chapter 153A of the General Statutes is amended by
16 adding a new section to read:

17 **"§ 153A-140.2. Annual notice to chronic violators of public nuisance ordinance.**

18 A county may notify a chronic violator of the county's public nuisance ordinance that, if the
19 violator's property is found to be in violation of the ordinance, the county shall, without further
20 notice in the calendar year in which notice is given, take action to remedy the violation, and the
21 expense of the action shall become a lien upon the property and shall be collected as unpaid
22 taxes. The initial annual notice shall be served by certified mail. A chronic violator is a person
23 who owns property whereupon, in the previous calendar year, the county gave notice of
24 violation at least three times under any provision of the public nuisance ordinance."

25 **SECTION 3.** S.L. 2005-44, S.L. 2007-3, S.L. 2007-254, and S.L. 2008-23 are
26 repealed.

27 **SECTION 4.** Section 3 of this act becomes effective October 1, 2009. The
28 remainder of act is effective when it becomes law. A municipality or county may adopt an
29 ordinance under G.S. 160A-200.1 or G.S. 153A-140.2 when this act becomes law, but the
30 ordinances may not become effective prior to October 1, 2009. The repeal in this act of any
31 local act does not affect the rights or liabilities of a municipality or county that arose during the
32 time the act was in effect, or under an ordinance adopted under such an act. If any municipality
33 or county adopted an ordinance under any act repealed by this act, and the ordinance would be
34 permitted under G.S. 160A-200.1 or G.S. 153A-140.2, as enacted by this act, that ordinance
35 shall remain in effect until amended or repealed by that municipality.

