

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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SENATE BILL 1152
Finance Committee Substitute Adopted 4/28/99

Short Title: Nonresidential Abandoned Structures.

(Public)

Sponsors:

Referred to:

April 15, 1999

A BILL TO BE ENTITLED

AN ACT AUTHORIZING CITIES WITH A POPULATION OF MORE THAN FOUR HUNDRED THOUSAND TO DEMOLISH AND REMOVE CERTAIN NONRESIDENTIAL BUILDINGS TO ENHANCE ECONOMIC DEVELOPMENT EFFORTS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 160A-426 reads as rewritten:

"§ 160A-426. Unsafe buildings condemned.

(a) Residential Building. – Every building which shall appear to the inspector to be especially dangerous to life because of its liability to fire or because of bad condition of walls, overloaded floors, defective construction, decay, unsafe wiring or heating system, inadequate means of egress, or other causes, shall be held to be unsafe, and the inspector shall affix a notice of the dangerous character of the structure to a conspicuous place on the exterior wall of said building.

(b) Nonresidential Building. – An inspector in a city whose population exceeds 400,000, according to the most recent annual population statistics certified by the State Planning Officer, shall declare a nonresidential building within a community development target area to be unsafe if it meets both of the following conditions:

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

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

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

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

13 **"§ 160A-428. Action in event of failure to take corrective action.**

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

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

- 21 a. Constitutes a fire or safety hazard.
22 b. Is dangerous to life, health, or other property.
23 c. Is likely to cause or contribute to blight, disease, vagrancy, or
24 danger to children.
25 d. Has a tendency to attract persons intent on criminal activities or
26 other activities which would constitute a public nuisance.

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

- 31 (3) That following the hearing, the inspector may issue such order to repair,
32 close, vacate, or demolish the building or structure as appears
33 appropriate.

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

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

40 **"§ 160A-432. ~~Equitable enforcement.~~ Civil and equitable enforcement.**

41 (a) Civil Enforcement. – Whenever any violation is denominated a misdemeanor
42 under the provisions of this Part, the city, either in addition to or in lieu of other remedies,

1 may initiate any appropriate action or proceedings to prevent, restrain, correct, or abate
2 the violation or to prevent the occupancy of the building or structure involved.

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

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

19 Section 4. This act is effective when it becomes law.