

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2001

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SENATE BILL 1312  
State and Local Government Committee Substitute Adopted 7/24/02

Short Title: Fayetteville Unsafe Residential Bldgs.

(Local)

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Sponsors:

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Referred to:

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June 11, 2002

A BILL TO BE ENTITLED

1 AN ACT TO ALLOW THE CITY OF FAYETTEVILLE TO DECLARE  
2 RESIDENTIAL BUILDINGS IN COMMUNITY DEVELOPMENT TARGET  
3 AREAS UNSAFE AND HAVE THE OPTION OF DEMOLISHING THOSE  
4 BUILDINGS PURSUANT TO G.S. 160A-432.

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 and Nonresidential Building or Structure. – Every  
9 building that shall appear to the inspector to be especially dangerous to life because of  
10 its liability to fire or because of bad condition of walls, overloaded floors, defective  
11 construction, decay, unsafe wiring or heating system, inadequate means of egress, or  
12 other causes, shall be held to be unsafe, and the inspector shall affix a notice of the  
13 dangerous character of the structure to a conspicuous place on the exterior wall of the  
14 building.

15 (b) Residential Building and Nonresidential Building or Structure. – In addition  
16 to the authority granted in subsection (a) of this section, an inspector may declare a  
17 residential building or nonresidential building or structure within a community  
18 development target area to be unsafe if it meets both of the following conditions:

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

20 (2) It appears to the inspector to be in such dilapidated condition as to  
21 cause or contribute to blight, disease, vagrancy, fire or safety hazard,  
22 to be a danger to children, or to tend to attract persons intent on  
23 criminal activities or other activities that would constitute a public  
24 nuisance.

25 (c) If an inspector declares a residential building or nonresidential building or  
26 structure to be unsafe under subsection (b) of this section, the inspector must affix a  
27 notice of the unsafe character of the structure to a conspicuous place on the exterior wall  
28 of the building. For the purposes of this section, the term "community development  
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1 target area" means an area that has characteristics of a development zone under G.S.  
2 105-129.3A, a "nonresidential redevelopment area" under G.S. 160A-503(10), or an  
3 area with similar characteristics designated by the city council as being in special need  
4 of revitalization for the benefit and welfare of its citizens."

5 **SECTION 2.** G.S. 160A-432(b) reads as rewritten:

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

19 **SECTION 3.** This act applies to the City of Fayetteville only.

20 **SECTION 4.** This act is effective when it becomes law.