

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

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**SENATE BILL 1312
State and Local Government Committee Substitute Adopted 7/24/02
House Committee Substitute Favorable 8/20/02**

Short Title: Fayetteville/Durham/Spr.Lake/Whiteville Bldg. (Local)

Sponsors:

Referred to:

June 11, 2002

A BILL TO BE ENTITLED

1 AN ACT TO ALLOW THE CITIES OF DURHAM AND FAYETTEVILLE AND
2 THE TOWN OF SPRING LAKE TO DECLARE RESIDENTIAL BUILDINGS IN
3 COMMUNITY DEVELOPMENT TARGET AREAS UNSAFE AND HAVE THE
4 OPTION OF DEMOLISHING THOSE BUILDINGS PURSUANT TO G.S.
5 160A-432 AND TO GRANT AUTHORITY TO THE CITY OF WHITEVILLE TO
6 ADDRESS ABANDONED STRUCTURES IN THE SAME MANNER AS
7 MUNICIPALITIES IN LARGER COUNTIES.
8

9 The General Assembly of North Carolina enacts:

10 **SECTION 1.** G.S. 160A-426 reads as rewritten:

11 **"§ 160A-426. Unsafe buildings condemned.**

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

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

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

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

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

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

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

23 **SECTION 3.** Section 2 of Chapter 733 of the 1995 Session Laws, as
24 amended by S.L. 1997-101, S.L. 1997-414, S.L. 1997-449, S.L. 1998-26, and S.L.
25 1998-87 reads as rewritten:

26 "Sec. 2. This act applies to the Cities of Eden, Greenville, Lumberton, ~~and Roanoke~~
27 ~~Rapids, Roanoke Rapids, and Whiteville,~~ to the municipalities in Lee County, and the
28 Towns of Bethel, Farmville, Newport, and Waynesville only."

29 **SECTION 4.** Sections 1 and 2 of this act apply to the Cities of Durham and
30 Fayetteville and the Town of Spring Lake only.

31 **SECTION 5.** This act is effective when it becomes law.