

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2001

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SENATE BILL 885

Short Title: Unsafe Buildings.

(Public)

Sponsors: Senator Clodfelter.

Referred to: Commerce.

April 4, 2001

1 A BILL TO BE ENTITLED  
2 AN ACT AMENDING CERTAIN STATUTES REGULATING UNSAFE  
3 BUILDINGS.

4 The General Assembly of North Carolina enacts:

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

6 "§ 160A-426. Unsafe buildings condemned.

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

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

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

24 If an inspector declares a nonresidential building or structure to be unsafe, the inspector  
25 must affix a notice of the unsafe character of the structure to a conspicuous place on the  
26 exterior wall of the building. For the purposes of this subsection, the term "community  
27 development target area" means an area that has characteristics of a development zone  
28 under G.S. 105-129.3A, a "nonresidential ~~development~~ redevelopment area" under G.S.

1 160A-503(10), or an area with similar characteristics designated by the city council as  
2 being in special need of revitalization for the benefit and welfare of its citizens."

3         **SECTION 2.** G.S. 160A-432 reads as rewritten:

4 "**§ 160A-432. ~~Civil and equitable enforcement.~~Enforcement.**

5         (a) ~~Civil Enforcement.~~—Whenever any violation is denominated a misdemeanor  
6 under the provisions of this Part, the city, either in addition to or in lieu of other  
7 remedies, may initiate any appropriate action or proceedings to prevent, restrain,  
8 correct, or abate the violation or to prevent the occupancy of the building or structure  
9 involved.

10         (b) ~~Equitable Enforcement.~~—In the case of a nonresidential building or structure  
11 declared unsafe under G.S. ~~160A-426(b),~~160A-426, a city may, in lieu of taking action  
12 under 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         (c) Nothing in this section shall be construed to impair or limit the power of the  
24 city to define and declare nuisances and to cause their removal or abatement by  
25 summary proceedings, or otherwise."

26         **SECTION 3.** This act is effective when it becomes law.