

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011**

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**HOUSE DRH30213-LR-36 (02/11)**

Short Title: Forsyth/Winston-Salem Zoning Amendments. (Local)

Sponsors: Representatives Womble, Parmon, L. Brown, and McGee (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO AMEND THE ENABLING LAWS RELATING TO CITY-COUNTY  
3 PLANNING AND ZONING IN FORSYTH COUNTY AND THE CITY OF  
4 WINSTON-SALEM.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** Section 24 of Chapter 677 of the 1947 Session Laws, as amended by  
7 S.L. 2008-41 and S.L. 2010-62, reads as rewritten:

8 "SEC. 24. Violations, Penalty, Abatement, and Notice of Lis Pendens. – Any person, firm  
9 or corporation who may violate any of the provisions of the zoning ordinance of the City of  
10 Winston-Salem, North Carolina, within the one mile area surrounding the corporate limits of  
11 the City of Winston-Salem, or within the three mile area surrounding such city limits if the  
12 board of county commissioners shall have approved such zoning provisions, shall, upon  
13 conviction, be fined not more than five hundred dollars (\$500) or imprisoned not more than  
14 thirty (30) days; any person, firm or corporation who shall continue to violate or shall permit  
15 any land, structure or building to continue to exist or to be used in violation of the zoning  
16 ordinance of the City of Winston-Salem, pursuant to the authority given by this Act, or who  
17 shall cause, permit or continue to exist any occupancy or use of any land, structure or building  
18 in violation of any of said ordinances, resolutions, regulations or restrictions for as long as five  
19 days after notice of such violation, issued by the Building Inspector or Administrative Officer  
20 of the City of Winston-Salem, or his designee, and served upon him by any police officer of the  
21 City of Winston-Salem or by any police officer of Forsyth County, or by personal service, by  
22 registered or certified mail in conjunction with regular mail and posting, shall be guilty of a  
23 separate offense for each day he permits such violation to continue after the expiration of five  
24 days from such notice, and shall be punished as above set forth. If the regular mail is not  
25 returned within 10 days of its mailing, and the certified or registered mail is returned refused or  
26 unclaimed, service by regular mail shall be deemed sufficient. If regular mail is used, a notice  
27 of the violation shall be posted in a conspicuous place on the premises in violation.

28 Pursuant to this section, the Building Inspector or Administrative Officer or that person's  
29 designee is authorized to summarily abate any violation that continues to exist after the  
30 expiration of the notice period provided by this section. The expense of the action shall be paid  
31 by the person in default. If the expense is not paid, it is a lien on the land or premises where the  
32 abatement action occurred. A lien established pursuant to this section shall have the same  
33 priority and be collected as unpaid ad valorem taxes. The expense of the action is also a lien on  
34 any other real property owned by the person in default within the city limits or within one mile  
35 of the city limits, except for the person's primary residence. This secondary lien established



1 pursuant to this section is inferior to all prior liens and shall be collected as a money judgment.  
2 This section does not apply if the person in default can show that the violation was created  
3 solely by the actions of another.

4 Furthermore, the Building Inspector or Administrative Officer or that person's designee is  
5 authorized to provide, upon the issuance of a notice of violation, for the filing of a notice of lis  
6 pendens in the office of the Clerk of Superior Court of Forsyth County. When a notice of lis  
7 pendens and a copy of the notice of violation are filed with the Clerk of Superior Court, it shall  
8 be indexed and cross-indexed in accordance with the indexing procedures of G.S. 1-117. From  
9 the date and time of indexing, the notice of violation shall be binding upon the successors and  
10 assigns of the owner or owners of the premises in violation. A copy of the notice of lis pendens  
11 shall be served upon the owner or owners of the premises in violation at the time of filing in  
12 accordance with the procedure for serving the notice of violation set forth herein. The notice of  
13 lis pendens shall remain in full force and effect until cancelled. The Building Inspector or  
14 Administrative Officer or that person's designee may authorize the cancellation of the notice of  
15 lis pendens upon compliance with the notice of violation, and receipt of such cancellation, the  
16 Clerk of Superior Court shall cancel the notice of lis pendens.

17 The Building Inspector or Administrative Officer, or that person's designee, may notify a  
18 chronic violator of the City's zoning ordinance that, if the violator's property is found to be in  
19 violation of the zoning ordinance, the City shall, without further notice in the calendar year in  
20 which notice (hereinafter 'chronic violator notice') is given, take action to remedy the violation,  
21 and the expense of the action shall become a lien upon the property and shall be collected as  
22 unpaid taxes. The chronic violator notice shall be served by registered or certified mail in  
23 conjunction with regular mail and posting. If regular mail is not returned in 10 days, and the  
24 registered or certified mail is returned refused or unclaimed, service by regular mail shall be  
25 deemed sufficient. A 'chronic violator' is a person who owns property whereupon, during the  
26 18-month period prior to the issuance of the chronic violator notice, the City took remedial  
27 action at least three times under the City's zoning ordinance."

28 **SECTION 2.** This act applies to the City of Winston-Salem only.

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