

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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SENATE BILL 1152

Short Title: Nonresidential Abandoned Structures.

(Public)

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Sponsors: Senator Clodfelter.

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Referred to: Finance.

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April 15, 1999

A BILL TO BE ENTITLED

AN ACT AUTHORIZING CITIES TO DEMOLISH AND REMOVE CERTAIN  
NONRESIDENTIAL BUILDINGS TO ENHANCE ECONOMIC DEVELOPMENT  
EFFORTS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 160A-441 reads as rewritten:

**"§ 160A-441. Exercise of police power authorized.**

(a) It is hereby found and declared that the existence and occupation of dwellings in this State that are unfit for human habitation are inimical to the welfare and dangerous and injurious to the health, safety and morals of the people of this State, and that a public necessity exists for the repair, closing or demolition of such dwellings. Whenever any city or county of this State finds that there exists in the city or county dwellings that are unfit for human habitation due to dilapidation, defects increasing the hazards of fire, accidents or other calamities, lack of ventilation, light or sanitary facilities, or due to other conditions rendering the dwellings unsafe or unsanitary, or dangerous or detrimental to the health, safety, morals, or otherwise inimical to the welfare of the residents of the city or county, power is hereby conferred upon the city or county to exercise its police powers to repair, close or demolish the dwellings in the manner herein provided. No ordinance enacted by the governing body of a county pursuant to this Part

1 shall be applicable within the corporate limits of any city unless the city council of the  
2 city has by resolution expressly given its approval thereto.

3 (b) In addition to the exercise of police power authorized herein, any city may by  
4 ordinance provide for the repair, ~~elosing~~ closing, or demolition of any abandoned  
5 structure ~~which~~ that the city council finds to be a health or safety hazard as a result of the  
6 attraction of insects or rodents, conditions creating a fire hazard, dangerous conditions  
7 constituting a threat to children or frequent use by vagrants as living quarters in the  
8 absence of sanitary facilities. Any city may also, by ordinance, provide for the repair,  
9 closing, or demolition of any nonresidential abandoned structure located in a community  
10 development target area that the city council finds to have an exterior appearance in such  
11 dilapidated condition as to cause or contribute to blight and potentially reduce property  
12 values in the area or hinder economic development efforts. For purposes of this section,  
13 the term 'community development target area' means an area that has characteristics of a  
14 development zone under G.S. 105-129.3 or a 'nonresidential development area' under  
15 G.S. 160A-503(10) or an area otherwise designated by the city council as being in need  
16 of revitalization for the benefit of the welfare of its citizens. ~~Such ordinance,~~ The  
17 ordinance, if adopted, may provide for the repair, ~~elosing~~ closing, or demolition of such  
18 the structure pursuant to the same provisions and procedures as are prescribed herein for  
19 the repair, closing or demolition of dwellings found to be unfit for human habitation. All  
20 municipalities shall have the powers provided in G.S. 160A-443(5a) in regard to  
21 nonresidential abandoned structures, and the finding required by the city council shall be  
22 that the continued existence of the nonresidential abandoned structure would be inimical  
23 to the health, safety, or welfare of its citizens in that the structure would either continue to  
24 deteriorate, create a fire or safety hazard, be a threat to children and vagrants, attract  
25 persons intent on criminal activity, or cause or contribute to blight and the reduction of  
26 property values in the area."

27 Section 2. This act is effective when it becomes law.