

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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SENATE BILL 835
State and Local Government Committee Substitute Adopted 4/14/05
Third Edition Engrossed 4/19/05

Short Title: Zoning/Jet Noise Zones.

(Public)

Sponsors:

Referred to:

March 23, 2005

1 AN ACT AUTHORIZING THE CREATION OF MILITARY NOISE ZONES UNDER
2 CITY AND COUNTY ZONING ORDINANCES AND REQUIRING THE
3 DISCLOSURE OF MILITARY NOISE AND EVALUATION OF THE NEED FOR
4 ADDITIONAL NOISE ABATEMENT REQUIREMENTS.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** G.S. 160A-381 is amended by adding a new subsection to
7 read:

8 "(d) In addition to the other powers granted by this section, a city may create a
9 noise zone, where appropriate for military bases, as part of its zoning ordinance. The
10 noise zone shall cover noise from military aircraft and military training. This section
11 does not apply to facilities that are used primarily for the National Guard or that are
12 civilian facilities that are used by the National Guard."

13 **SECTION 2.** G.S. 153A-340 is amended by adding a new subsection to
14 read:

15 "(e1) In addition to the other powers granted by this section, a city may create a
16 noise zone, where appropriate for military bases, as part of its zoning ordinance. The
17 noise zone shall cover noise from military aircraft and military training. This section
18 does not apply to facilities that are used primarily for the National Guard or that are
19 civilian facilities that are used by the National Guard."

20 **SECTION 3.** Article 9 of Chapter 39 is amended by adding a new section to
21 read:

22 **"§ 39-51. Disclosure of military aircraft and training noise.**

23 A potential buyer of a home or other structure situated in a noise zone designated by
24 a city or county by reference to noise contour lines shall be informed by the seller of the
25 property's inclusion in the zone if the noise levels due to military aircraft activity and
26 military training associated with the zone would be material to the ordinary, reasonable,
27 and prudent buyer. This section does not apply to facilities that are used primarily for
28 the National Guard or that are civilian facilities that are used by the National Guard."

1 **SECTION 4.** G.S. 47E-4(b) reads as rewritten:

2 "(b) The North Carolina Real Estate Commission shall develop and require the
3 use of a standard disclosure statement to comply with the requirements of this section.
4 The disclosure statement shall specify that certain transfers of residential property are
5 excluded from this requirement by G.S. 47E-2, including transfers of residential
6 property made pursuant to a lease with an option to purchase where the lessee occupies
7 or intends to occupy the dwelling, and shall include at least the following characteristics
8 and conditions of the property:

- 9 (1) The water supply and sanitary sewage disposal system;
10 (2) The roof, chimneys, floors, foundation, basement, and other structural
11 components and any modifications of these structural components;
12 (3) The plumbing, electrical, heating, cooling, and other mechanical
13 systems;
14 (4) Present infestation of wood-destroying insects or organisms or past
15 infestation the damage for which has not been repaired;
16 (5) The zoning laws, restrictive covenants, building codes, and other
17 land-use restrictions affecting the real property, any encroachment of
18 the real property from or to adjacent real property, and notice from any
19 governmental agency affecting this real property; and
20 (6) Presence of lead-based paint, asbestos, radon gas, methane gas,
21 underground storage tank, hazardous material or toxic material
22 (whether buried or covered), and other environmental contamination.
23 (7) The potential negative impact of noise due to military aircraft or
24 military training or the proximity of the property to military
25 installations other than those used primarily for the National Guard or
26 that are civilian facilities that are used by the National Guard.

27 The disclosure statement shall provide the owner with the option to indicate whether
28 the owner has actual knowledge of the specified characteristics or conditions, or the
29 owner is making no representations as to any characteristic or condition."

30 **SECTION 5.** The North Carolina Building Code Council is directed to
31 evaluate the need for additional noise abatement requirements in military noise zones
32 and to amend the State Building Code accordingly.

33 **SECTION 6.** This act is effective when it becomes law.