

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

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SENATE BILL 352

Short Title: Extend Lien for Public Health Nuisance.

(Public)

Sponsors: Senator Kerr.

Referred to: Finance.

March 6, 2001

A BILL TO BE ENTITLED

AN ACT TO EXTEND TO ADDITIONAL REAL PROPERTY THE LIEN THAT ATTACHES IF A PERSON FAILS TO REMEDY A PUBLIC HEALTH NUISANCE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 160A-193 reads as rewritten:

"§ 160A-193. Abatement of public health nuisances.

A city shall have authority to summarily remove, abate, or remedy everything in the city limits, or within one mile thereof, that is dangerous or prejudicial to the public health or public safety. The expense of the action shall be paid by the person in default, and, if not paid, shall be a lien upon the land or premises where the trouble arose, and shall be collected as unpaid taxes. default. If the expense is not paid, it is a lien on the land or premises where the nuisance occurred. It is also a lien on any other real property owned by the person within the city limits or within one mile thereof, except for the person's primary residence. The expense shall be collected as unpaid taxes."

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

"§ 160A-432. Civil and equitable enforcement.

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

(b) Equitable Enforcement. – In the case of a nonresidential building or structure declared unsafe under G.S. 160A-426(b), a city may, in lieu of taking action under subsection (a), cause the building or structure to be removed or demolished. The amounts incurred by the city in connection with the removal or demolition shall be a lien against the real property upon which the cost was ~~incurred~~incurred and upon any other real property owned by the owner of the building or structure and located within

1 the city limits or within one mile thereof, except for the owner's primary residence. The
2 ~~lien~~ liens shall be filed, have the same priority, and be collected in the same manner as
3 liens for special assessments provided in Article 10 of this Chapter. If the building or
4 structure is removed or demolished by the city, the city shall sell the usable materials of
5 the building and any personal property, fixtures, or appurtenances found in or attached
6 to the building. The city shall credit the proceeds of the sale against the cost of the
7 removal or demolition. Any balance remaining from the sale shall be deposited with the
8 clerk of superior court of the county where the property is located and shall be disbursed
9 by the court to the person found to be entitled thereto by final order or decree of the
10 court.

11 (c) Nothing in this section shall be construed to impair or limit the power of the
12 city to define and declare nuisances and to cause their removal or abatement by
13 summary proceedings, or otherwise."

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