

March 6, 2007

S 556. NONRESIDENTIAL BUILDING CODE. Filed 3/6/07. *AUTHORIZING MUNICIPALITIES TO ADOPT ORDINANCES ESTABLISHING A NONRESIDENTIAL BUILDING OR STRUCTURE CODE.*

Enacts new GS 160A-439 for the purpose indicated in the title. Any code adopted is to provide for the appointment of a public officer to carry out its provisions. The public officer is to be empowered to make an initial determination as to whether a nonresidential building within the city or its' extraterritorial jurisdiction has not been properly maintained so that the safety or health of its occupants or members of the general public is jeopardized for failure of the property to meet minimum standards established by the governing body. Upon that initial determination, the public officer is to give notice of a hearing to the owner and parties in interest in the building. The hearing is to be held before the public officer or designee. The hearing officer determines after the hearing whether the building fails the test outlined above. If it does, the hearing officer determines whether repair, alteration, or improvement can be made at a reasonable cost (as a percentage of the value of the building, as set in the code). If it can, the public officer orders the repairs made or the building closed. If it cannot, then the public officer orders removal or demolition of the building (with special provision for ordering closure if the building is in an historic district and has value for maintaining the character of the district). If the owner fails to comply with the order, then the city council may by ordinance order the public officer to proceed with the repair, removal, or closure. Requires that the ordinance be listed in the grantor index in the office of the register of deeds in the name of the property owner. The costs become a lien on the property and upon all real property in the city owned by the owner, except for the owner's primary residence. Occupants of the building who will not comply with an order to vacate are to be removed through summary ejectment. The city council may impose fines for violations. Service of complaints or orders by the public officer is to be made by registered or certified mail or in person. The code may provide that appeals are to be taken from decisions or orders of the public officer to the housing appeals board or the zoning board of adjustment.

Intro. by Kerr.

GS 160A

May 9, 2007

S 556. NONRESIDENTIAL BUILDING CODE. Filed 5/6/07. Senate amendment makes the following changes to 1st edition. Adds a provision to GS 160A-439 (ordinance authorized as to repair, closing, and demolition of nonresidential buildings or structures; order of public officer) subsection (a)(3)a. to provide that if a building remains boarded up longer than two years after the date of the final order to vacate and close, the governing body may issue an order requiring that the building be repaired or demolished.

July 26, 2007

S 556. NONRESIDENTIAL BUILDING CODE. Filed 3/6/07. House committee substitute makes the following changes to 2nd edition. Modifies proposed GS 160A-439 as follows.

Provides additional guidelines as to what constitutes *minimal standards* with regard to nonresidential structures. Limits the governing body's authority to enforce ordinances relating to nonresidential buildings within the city's extraterritorial jurisdiction. Provides that a city may not apply its ordinance in its extraterritorial jurisdiction until six months following the act's effective date to allow time for counties to adopt ordinances.

Clarifies the guidelines for the investigative process used by the public officer appointed by the governing body. If the investigation requires entry of the premises, it requires (1) issuance of an administrative warrant, or (2) permission of the owner, the owner's agent, a tenant, or another person legally in possession of the premises. Provides that exceptions regarding orders directing the owner to take remedial action or demolish the property apply to local historic landmarks or districts listed in the National Register of Historic Places. Expands the authority of the governing body to adopt ordinances to effectuate the purposes of the statute. Provides that the powers conferred by the statute are supplemental to the powers conferred by any other law. Adds a *definitions* section. Reorganizes the statute and makes technical changes.

Enacts new GS 153A-372.1 to provide that the provisions of proposed GS 160A-439 apply to counties.

July 27, 2007

S 556. NONRESIDENTIAL BUILDING CODE. Filed 3/6/07. House committee substitute makes the following changes to 3rd edition. Modifies proposed GS 160A-439 to require the minimum standards for nonresidential structures to address *only* conditions that are dangerous and injurious to public health, safety, and welfare. Also removes the provision allowing a city to apply its ordinance in the portions of its extraterritorial jurisdiction that are within a county that fails to adopt an ordinance under GS 153-372.1 for the repair, closing, and demolition of nonresidential structures. Provides in subdivision (f)(1) that a person who occupies or *knowingly* allows occupancy of a structure upon which there is a posting that the building is unfit for use and that occupancy is illegal, is guilty of a Class 3 (was, Class 1) misdemeanor. Modifies subsection (h) concerning the sufficiency of service of complaints or orders issued by a public officer. Makes clarifying changes to the powers that may be given to a public officer to carry out the statute. Makes a conforming change to the effective date.

July 28, 2007

S 556. NONRESIDENTIAL BUILDING CODE. Filed 3/6/07. House amendment makes the following changes to 4th edition. Modifies proposed G.S. 160A-439(i)(2) to delete language that would have created a lien on an owner's real property located within the city's extraterritorial jurisdiction.

August 27, 2007

SL 2007-414 (S 556). NONRESIDENTIAL BUILDING CODE. AN ACT AUTHORIZING MUNICIPALITIES TO ADOPT ORDINANCES ESTABLISHING A NONRESIDENTIAL BUILDING OR STRUCTURE CODE. Summarized in *Daily Bulletin* 3/6/07, 5/9/07, 7/26/07, 7/27/07, and 7/28/07. Enacted August 21, 2007. Effective August 21, 2007.