

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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HOUSE BILL 433
PROPOSED COMMITTEE SUBSTITUTE H433-PCS50377-RK-96

Short Title: Nuisance Abatement Changes.

(Public)

Sponsors:

Referred to:

March 24, 2011

A BILL TO BE ENTITLED

AN ACT TO CHANGE THE NUISANCE ABATEMENT LAWS IN RESPONSE TO THE
NORTH CAROLINA COURT OF APPEALS DECISION IN SALISBURY V.
CAMPBELL.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 19-1 reads as rewritten:

"§ 19-1. **What are nuisances under this Chapter.**

(a) The erection, establishment, continuance, maintenance, use, ownership or leasing of any building or place for ~~the purpose of~~ assignation, prostitution, gambling, illegal possession or sale of alcoholic beverages, illegal possession or sale of controlled substances as defined in the North Carolina Controlled Substances Act, or illegal possession or sale of obscene or lewd matter, as defined in this Chapter, shall constitute a nuisance.

(b) The erection, establishment, continuance, maintenance, use, ownership or leasing of any building or place wherein or whereon are carried on, conducted, or permitted repeated acts which create and constitute a breach of the peace shall constitute a nuisance.

(b1) The erection, establishment, continuance, maintenance, use, ownership or leasing of any building or place wherein or whereon are carried on, conducted, or permitted repeated activities or conditions which violate a local ordinance regulating sexually oriented businesses so as to contribute to adverse secondary impacts shall constitute a nuisance.

(b2) The erection, establishment, continuance, maintenance, use, ownership, or leasing of any building or place for the purpose of carrying on, conducting, or engaging in any activities in violation of G.S. 14-72.7.

(c) The building, place, vehicle, or the ground itself, in or upon which a nuisance as defined in subsection (a), (b), or (b1) of this section is carried on, and the furniture, fixtures, and contents, are also declared a nuisance, and shall be enjoined and abated as hereinafter provided."

SECTION 2. G.S. 19-1.2(6) reads as rewritten:

"(6) Every place ~~which, as a regular course of business, which~~ is used to commit acts of lewdness, assignation, gambling, the illegal possession or sale of alcoholic beverages, the illegal possession or sale of controlled substances as defined in the North Carolina Controlled Substances Act, or prostitution, and every such place in or upon which acts of lewdness, assignation, gambling, the illegal possession or sale of alcoholic beverages, the illegal possession or



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1 sale of controlled substances as defined in the North Carolina Controlled
2 Substances Act, or prostitution, are held or occur."
3 **SECTION 3.** This act becomes effective August 1, 2011, and applies to offenses
4 committed or nuisances occurring on or after that date.