

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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SENATE BILL 170
PROPOSED COMMITTEE SUBSTITUTE S170-PCS35242-RK-54

Short Title: Clarify Nuisance Abatement Laws.

(Public)

Sponsors:

Referred to:

March 2, 2011

A BILL TO BE ENTITLED

AN ACT TO CHANGE THE NUISANCE ABATEMENT LAWS.

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 wherein or whereon occur repeated acts~~ 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. The remedy of forfeiture of real property provided in G.S. 19-6.1 shall not apply to multifamily buildings containing more than four individual rental units.

(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. The remedy of forfeiture of real property provided in G.S. 19-6.1 shall not apply to multifamily buildings containing more than four individual rental units.

(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. 19-1.1 is amended by adding a new subdivision to read:

"(8a) The term 'repeated acts,' as used in this Chapter, means more than one occurrence 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



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1 possession or sale of obscene or lewd matter, as defined in this Chapter, at
2 any building or place during a one-year period."

3 **SECTION 3.** G.S. 19-1.2(6) reads as rewritten:

4 "(6) Every place ~~which, as a regular course of business, is used for the purposes~~
5 wherein or whereon repeated acts of lewdness, assignation, gambling, the
6 illegal possession or sale of alcoholic beverages, the illegal possession or
7 sale of controlled substances as defined in the North Carolina Controlled
8 Substances Act, or prostitution, and every such place in or upon which acts
9 of lewdness, assignation, gambling, the illegal possession or sale of
10 alcoholic beverages, the illegal possession or sale of controlled substances as
11 defined in the North Carolina Controlled Substances Act, or prostitution, are
12 held or occur. The remedy of forfeiture of real property provided in
13 G.S. 19-6.1 shall not apply to multifamily buildings containing more than
14 four individual rental units."

15 **SECTION 4.** This act becomes effective August 1, 2011, and applies to offenses
16 committed or nuisances occurring on or after that date.