Representative Watford

moves to amend the bill on page 21, line 36, through page 22, line 12,
by rewriting those lines to read:

"STATUTE OF LIMITATIONS/LAND-USE VIOLATIONS"

SECTION 2.15.(a) G.S. 1-51 is amended by adding a new subdivision to read:

"§ 1-51. Five years. Within five years -
... (5) Against the owner of an interest in real property by a unit of local
government for a violation of a land-use statute, ordinance, or permit or any
other official action concerning land use carrying the effect of law. This
subdivision does not limit the remedy of injunction for conditions that are
actually injurious or dangerous to the public health or safety. The claim for
relief accrues upon the occurrence of the earlier of any of the following:
   a. The facts constituting the violation are known to the governing body,
an agent, or an employee of the unit of local government.
   b. The violation can be determined from the public record of the unit of
local government."

SECTION 2.15.(b) G.S. 1-49 is amended by adding a new subdivision to read:

"§ 1-49. Seven years. Within seven years an action –
... (3) Against the owner of an interest in real property by a unit of local
government for a violation of a land-use statute, ordinance, or permit or any
other official action concerning land use carrying the effect of law. This
subdivision does not limit the remedy of injunction for conditions that are
actually injurious or dangerous to the public health or safety but does
prescribe an outside limitation of seven years from the earlier of the
occurrence of any of the following:
   a. The violation is apparent from a public right-of-way.
   b. The violation is in plain view from a place to which the public is
invited."
SECTION 2.15.(c) This section becomes effective October 1, 2018, and applies to actions commenced on or after that date.".

SIGNED ____________________________________________

Amendment Sponsor

SIGNED ____________________________________________

Committee Chair if Senate Committee Amendment

ADOPTED ___________  FAILED _______________  TABLED ___________

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