



1 NONPARTISAN ELECTIONS FOR THE ELIZABETH CITY-PASQUOTANK  
2 BOARD OF EDUCATION AND VALIDATE ACTIONS OF THAT BOARD,  
3 AND TO AUTHORIZE THE TOWN OF BLADENBORO TO GIVE ANNUAL  
4 NOTICE TO CHRONIC VIOLATORS OF THE TOWN'S PUBLIC NUISANCE  
5 ORDINANCE, AND TO CLARIFY THAT CERTAIN STATE LAND IS  
6 SUBJECT TO MUNICIPAL PLANNING JURISDICTION AND THE  
7 IMPOSITION OF OVERLAY AND SPECIAL USE DISTRICTS BY THE TOWN  
8 OF SOUTHPORT WITHOUT THE APPROVAL OF THE COUNCIL OF STATE,  
9 AND TO CLARIFY THAT MOREHEAD CITY MAY ORDER OWNERS OF  
10 RESIDENTIAL PROPERTY TO REPAIR RATHER THAN VACATE HOUSING  
11 AND TO AUTHORIZE THAT CITY TO ORDER DWELLINGS DETERMINED  
12 UNFIT FOR HUMAN HABITATION BE REPAIRED OR DEMOLISHED AFTER  
13 A PERIOD OF SIX MONTHS.

14 The General Assembly of North Carolina enacts:

15 **SECTION 1.** Section 3 of S.L. 2004-108 reads as rewritten:

16 "**SECTION 3.** Section 1 of this act applies to the City of Albemarle and the Towns  
17 Town of Beaufort, Southern Shores, and Mint Hill only. Section 2 of this act applies to  
18 the Towns of Duck, Kill Devil Hills, Kitty Hawk, Nags Head, and the City of Kings  
19 Mountain only."

20 **SECTION 2.** Section 7.2 of the Charter of the Town of St. James, being S.L.  
21 1999-241, reads as rewritten:

22 "Section 7.2. **Planning and Regulation of Development.**

23 Notwithstanding any other provisions of this Charter or the provisions of general  
24 law, including the provisions of Article 19 of Chapter 160A of the General Statutes, the  
25 Town shall not, prior to ~~December 31, 2009, October 1, 2005,~~ adopt any ordinance  
26 creating a planning agency, regulating or restricting the subdivision, zoning, or use of  
27 any land, or providing for building inspections. During such time, and until the  
28 ordinances adopted by the Town become effective, all planning duties, regulation of  
29 development, and building inspections within the jurisdiction of the Town shall be  
30 conducted by Brunswick County and governed by the applicable ordinances of  
31 Brunswick County as if the area was not in the corporate limits of any municipality.  
32 Provided further, the Town may not make any such ordinances effective outside the  
33 corporate limits of the Town under G.S. 160A-360 or any other provision of law until  
34 January 1, 2010. As of December 31, 2009, either the Town or Brunswick County may  
35 terminate such powers of Brunswick County within the jurisdiction of the Town upon  
36 60 days' notice whereupon the Town may adopt subdivision and zoning ordinances and  
37 shall become responsible for building inspections in accordance with general law."

38 **SECTION 3.** Section 2 of Chapter 372 of the 1991 Session Laws, as  
39 amended by Chapter 776 of the 1991 Session Laws, reads as rewritten:

40 "**Sec. 2.** This act applies to Brunswick County ~~only~~, but does not apply to the  
41 Town of Leland."

42 **SECTION 4.1.** If Senate Bill 98, 2005 Regular Session becomes law, then  
43 Section 1 of that act is amended by adding a new subdivision to read:

1           "(13) If any polling place that had been a satellite voting place in 2004 under  
2           G.S. 163-130 is designated as a voting center, the county board of  
3           elections may provide in its Plan of Implementation that only voters  
4           assigned to the satellite voting place may vote at the voting center  
5           there, and that such voters may not vote at any other voting center on  
6           election day."

7           **SECTION 4.2.** If Senate Bill 98, 2005 Regular Session becomes law, then  
8           that act is amended by adding a new section to read:

9           **"SECTION 1.1.** If no elections are conducted under this act in 2005, then any or all  
10          elections occurring in 2007 may also be held under this act in addition to those in 2006."

11          **SECTION 4.** G.S. 14-401.17 reads as rewritten:

12          **"§ 14-401.17. Unlawful removal or destruction of electronic dog collars.**

13          (a) It is unlawful to intentionally remove or destroy an electronic collar or other  
14          electronic device placed on a dog by its owner to maintain control of the dog.

15          (b) A first conviction for a violation of this section is a Class 3 misdemeanor. A  
16          second or subsequent conviction for a violation of this section is a Class 2  
17          misdemeanor.

18          (c) This act is enforceable by officers of the Wildlife Resources Commission, by  
19          sheriffs and deputy sheriffs, and peace officers with general subject matter jurisdiction.

20          (d) This act applies only to Alamance, Anson, Avery, Beaufort, Brunswick,  
21          Buncombe, Burke, Caldwell, Camden, Caswell, Cherokee, Chowan, Clay, Columbus,  
22          Craven, Cumberland, Davidson, Graham, Haywood, Henderson, Hyde, Jackson,  
23          Macon, Madison, McDowell, Mecklenburg, Mitchell, New Hanover, Orange,  
24          Pasquotank, Pitt, Robeson, Rockingham, Swain, Transylvania, Union, Washington,  
25          Wilkes, and Yancey Counties."

26          **SECTION 5.** Section 6 of S.L. 1997-420 reads as rewritten:

27          "Section 6. Sections 4, 5, and 6 of this act shall apply only to the Towns of  
28          Cornelius, Davidson, Huntersville, Matthews, and Nags Head."

29          **SECTION 6.(a)** Section 10 of Chapter 939 of the 1987 Session Laws reads  
30          as rewritten:

31          "~~Sec. 10. In 1990 and quadrennially thereafter, members shall be elected from~~  
32          ~~Districts 3 and 4 for four-year terms, In 2006 and quadrennially thereafter, a member~~  
33          shall be elected from District 4 for a four-year term, and two members shall be elected  
34          at-large for four-year terms. In ~~1992~~ 2008 and quadrennially thereafter, members shall  
35          be elected from Districts 1, 2, 3, and 5 for four-year terms."

36          **SECTION 6.(b)** The elections for the District 3 seat on the Pamlico County  
37          Board of Education since January 1, 1996, are validated, notwithstanding the  
38          irregularity in the term of office for which the member was elected in 1996 and the fact  
39          that subsequent elections were held in 2000 and 2004 rather than in 1998 and 2002, and  
40          any and all actions of the District 3 member since January 1, 1996, are ratified and  
41          confirmed notwithstanding the irregularity in the manner of election.

42          **SECTION 8.(a)** Section 6 of Chapter 42, Public-Local Laws of 1939, is  
43          repealed.

1           **SECTION 8.(b)** No Tax Collector shall be elected by the voters of  
2 Henderson County in 2006 or thereafter.

3           **SECTION 8.(c)** A Tax Collector shall be appointed by the Henderson  
4 County Board of Commissioners under G.S. 105-349 to serve a term beginning the first  
5 Monday in October of 2007. The subsequent appointment of the Tax Collector shall be  
6 in accordance with general law. The current Tax Collector of Henderson County shall  
7 serve until that date and until a successor is appointed and qualified. Any vacancy in the  
8 office of Henderson County Tax Collector occurring before the first Monday in October  
9 of 2007 shall be filled by an appointment by the Henderson County Board of  
10 Commissioners to serve the remainder of the unexpired term.

11           **SECTION 9.(a)** Section 2 of Chapter 29 of the 1967 Session Laws, as  
12 amended by Chapter 8 of the 1977 Session Laws, reads as rewritten:

13           "Sec. 2. The newly constituted and established Elizabeth City-Pasquotank Board of  
14 Education shall consist of seven members, and each of said members shall be residents  
15 and qualified voters of the townships according to the membership allocations  
16 hereinafter made to said townships as follows:

17           Providence township, Salem township, Newland township, Mount Herman township  
18 and other township areas remaining in Pasquotank County shall be entitled to three  
19 ~~members except that no two members shall reside in any one township.~~members.

20           Elizabeth City township and that portion of other township areas within the  
21 Elizabeth City city limits shall be entitled to three members.

22           One member shall be elected from the county at large, without regard to township."

23           **SECTION 9.(b)** Section 3 of Chapter 29 of the 1967 Session Laws, as  
24 amended by Chapter 8 of the 1977 Session Laws, reads as rewritten:

25           ~~"Sec. 3. At the time of the primary and election of State and county officers for the~~  
26 ~~year 1968, there shall be nominated and elected seven members who shall constitute the~~  
27 ~~Elizabeth City Pasquotank Board of Education. Each of said members shall be residents~~  
28 ~~and electors of the townships as set forth in Section 2 of this Act, and each of said~~  
29 ~~members shall be nominated by the voters of Pasquotank County at large in said~~  
30 ~~primary. The candidates in each township receiving the highest number of votes shall be~~  
31 ~~declared to be nominated, and there shall be no second primary. The persons or~~  
32 ~~candidates so nominated from the townships shall be voted upon by the voters of~~  
33 ~~Pasquotank County at large in said election. Each candidate for nomination for~~  
34 ~~membership on the Elizabeth City Pasquotank Board of Education shall file a notice of~~  
35 ~~candidacy with the Board of Elections showing the township of which said candidate is~~  
36 ~~a resident and also showing the candidate's party affiliation. All candidates for~~  
37 ~~nomination from the various townships shall file such notice of candidacy by noon on or~~  
38 ~~before the sixth Saturday before the date on which the primary is to be held and shall~~  
39 ~~pay a filing fee of ten dollars (\$10.00). The nomination and election of said members of~~  
40 ~~the Elizabeth City Pasquotank Board of Education shall be held, conducted and~~  
41 ~~supervised by the Board of Elections, and except as herein provided the general election~~  
42 ~~laws and regulations for the nomination and election of county officers, and as set forth~~  
43 ~~in Chapter 163 of the General Statutes, as amended, shall apply and govern as to the~~  
44 ~~holding of said primary and election. The three candidates whose residence is within the~~

1 Elizabeth City township and that portion of other township areas within the Elizabeth  
2 City corporate limits, who receive the highest number of votes in descending order,  
3 shall serve as follows:

- 4 (1) Highest vote-6 year term.
- 5 (2) Second highest vote-4 year term.
- 6 (3) Third highest vote-2 year term.

7 The three candidates whose residence is within the Providence township, the Salem  
8 township, the Newland township, the Mount Hermon township or other township areas  
9 remaining in Pasquotank County, who receive the highest number of votes in  
10 descending order, shall serve as follows:

- 11 (1) Highest vote-6 year term.
- 12 (2) Second highest vote-4 year term.
- 13 (3) Third highest vote-2 year term.

14 The candidate, running at large, who receives the highest number of votes shall  
15 serve a six year term.

16 The seven candidates receiving the highest number of votes, as outlined in Section 3,  
17 in the election shall be certified and declared by the Board of Elections to be the elected  
18 members of the Elizabeth City Pasquotank Board of Education.

19 Biennially thereafter, at each primary and election for the nomination and election of  
20 State and County officers, the vacancies occurring in the membership of said Board  
21 shall be filled by nomination and election as the said terms of the members expire, and  
22 all such members so elected shall hold office for terms of four years. The members of  
23 said Board nominated and elected in the primary and general election of 1968 shall take  
24 office on the first Monday in December, 1968, and the terms of their office shall date  
25 and extend from that time. All vacancies in the membership of the Elizabeth  
26 City Pasquotank Board of Education by reason of death, resignation or removal from  
27 township shall be filled by the remaining members of said Board from area of residence  
28 where vacancy occurs for the complete unexpired term within 60 days after vacancy  
29 occurs.

30 In the event no candidate is elected in the General Election to fill any term which is  
31 to expire, then and in that event, the Elizabeth City Pasquotank Board of Education  
32 shall declare a vacancy, and such vacancy shall be filled in accordance with Section  
33 3-Three members of the Board shall be residents within the Elizabeth City Township,  
34 hereinafter referred to as "inside members", and three members of the Board shall be  
35 residents of the other townships outside Elizabeth City Township, hereinafter referred to  
36 as "outside members". The remaining member shall hereinafter be referred to as the "at-  
37 large member" and shall be a county resident with no residence required within a  
38 particular township area.

39 Candidates for membership on the Board shall file for office at the same time and on  
40 the same terms and conditions as candidates for other county offices. Candidates shall  
41 file, based upon residency, for any available "inside member" seats, "outside member"  
42 seats, or the "at-large member" seat that they qualify for by virtue of the residency at the  
43 time of filing. However, there shall be no primary, and filed candidates for each type of  
44 available seat shall be placed on the general election ballot to be voted on by all

1 qualified voters of the county. Each voter shall have the right to vote in each race for  
2 "inside member" seats, "outside members" seats, or the "at-large member" seat up to the  
3 number of open seats up for election as to each particular type of seat, but may not cast  
4 more than one vote for each candidate. The election shall be held on a nonpartisan  
5 plurality basis with the candidates receiving the highest number of votes for each type  
6 of seat filling the available open seat or seats in descending order of their vote totals.  
7 Candidates elected shall take office the first Monday in December, and shall serve a  
8 four-year term.

9 All vacancies shall be filled by appointment by the remainder of the Board within 60  
10 days, and the person so appointed shall serve the remainder of the unexpired term.

11 Terms shall be staggered, with two "inside member" seats and two "outside  
12 member" seats being elected in 2006 and every four years thereafter, and one "inside  
13 member" seat, one "outside member" seat, and the "at-large member" seat being elected  
14 in 2008 and every four years thereafter.

15 The Elizabeth City-Pasquotank Board of Education shall elect a chairman and vice  
16 chairman to preside over its meetings, and the vice chairman shall be entitled to vote in  
17 all matters being considered by said Board but neither the chairman nor the vice  
18 chairman shall have the authority to cast a vote to create a tie vote and then vote again  
19 to break the tie. The Elizabeth City-Pasquotank Board of Education shall control,  
20 administer and operate all of the public schools in Pasquotank County, including the  
21 public schools now located in the Elizabeth City Administrative Unit, as well as the  
22 public schools now located in the Pasquotank County Administrative Unit. The  
23 Elizabeth City-Pasquotank Board of Education shall exercise all the powers, authority  
24 and duties as are now exercised and performed by city and county boards of education  
25 and as provided by Chapter 115 of the General Statutes, as revised and amended, and as  
26 the same may hereafter be revised and amended. All members of the said Board shall  
27 hold their offices until their successors are elected and qualified."

28 **SECTION 9.(c)** The General Assembly reconfirms that it was the intent of  
29 Chapter 29 of the 1967 Session Laws to provide for nonpartisan elections for the  
30 Elizabeth City-Pasquotank Board of Education, which has been reflected in the conduct  
31 of those elections since 1967. The elections for the seats on the Elizabeth  
32 City-Pasquotank Board of Education since 1967 are validated, and any and all actions of  
33 the members since 1967 are ratified and confirmed.

34 **SECTION 10.(a)** A municipality may notify a chronic violator of the  
35 municipality's public nuisance ordinance that, if the violator's property is found to be in  
36 violation of the ordinance, the municipality shall, without further notice in the calendar  
37 year in which notice is given, take action to remedy the violation, and the expense of the  
38 action shall become a lien upon the property and shall be collected as unpaid taxes. The  
39 initial annual notice shall be served by registered or certified mail. A chronic violator is  
40 a person who owns property whereupon, in the previous calendar year, the municipality  
41 gave notice of violation at least three times under any provision of the public nuisance  
42 ordinance.

43 **SECTION 10.(b)** This section applies to the Town of Bladenboro only.

44 **SECTION 11.(a)** G.S. 160A-392 reads as rewritten:

1 **"§ 160A-392. Part applicable to buildings constructed by State and its**  
2 **subdivisions; exception.**

3 All of the provisions of this Part are hereby made applicable to the erection,  
4 construction, and use of buildings and land by the State of North Carolina and its  
5 political subdivisions.

6 ~~Notwithstanding the provisions of any general or local law or ordinance, no land~~  
7 ~~owned by the State of North Carolina may be included within a conditional use district~~  
8 ~~without approval of the Council of State or its designate.~~

9 With respect to the docks, buildings, and land at Southport under the control of the  
10 State Ports Authority as defined by G.S. 143B-453, all of the provisions of this Part  
11 shall apply and are made applicable to those docks, buildings, and land, including those  
12 properties being subject to municipal planning and zoning jurisdiction and the  
13 imposition of overlay and special use districts."

14 **SECTION 11.(b)** This section applies to the Town of Southport only.

15 **SECTION 12.(a)** G.S. 160A-443 reads as rewritten:

16 **"§ 160A-443. Ordinance authorized as to repair, closing, and demolition; order of**  
17 **public officer.**

18 Upon the adoption of an ordinance finding that dwelling conditions of the character  
19 described in G.S. 160A-441 exist within a city, the governing body of the city is hereby  
20 authorized to adopt and enforce ordinances relating to dwellings within the city's  
21 territorial jurisdiction that are unfit for human habitation. These ordinances shall include  
22 the following provisions:

- 23 (1) That a public officer be designated or appointed to exercise the powers  
24 prescribed by the ordinance.
- 25 (2) That whenever a petition is filed with the public officer by a public  
26 authority or by at least five residents of the city charging that any  
27 dwelling is unfit for human habitation or whenever it appears to the  
28 public officer (on his own motion) that any dwelling is unfit for human  
29 habitation, the public officer shall, if his preliminary investigation  
30 discloses a basis for such charges, issue and cause to be served upon  
31 the owner of and parties in interest in such dwellings a complaint  
32 stating the charges in that respect and containing a notice that a  
33 hearing will be held before the public officer (or his designated agent)  
34 at a place within the county in which the property is located fixed not  
35 less than 10 days nor more than 30 days after the serving of the  
36 complaint; that the owner and parties in interest shall be given the right  
37 to file an answer to the complaint and to appear in person, or  
38 otherwise, and give testimony at the place and time fixed in the  
39 complaint; and that the rules of evidence prevailing in courts of law or  
40 equity shall not be controlling in hearings before the public officer.
- 41 (3) That if, after notice and hearing, the public officer determines that the  
42 dwelling under consideration is unfit for human habitation, he shall  
43 state in writing his findings of fact in support of that determination and  
44 shall issue and cause to be served upon the owner thereof an order,

- 1 a. If the repair, alteration or improvement of the dwelling can be  
2 made at a reasonable cost in relation to the value of the  
3 dwelling (the ordinance of the city may fix a certain percentage  
4 of this value as being reasonable), requiring the owner, within  
5 the time specified, to repair, alter or improve the dwelling in  
6 order to render it fit for human ~~habitation or to vacate and close~~  
7 ~~the dwelling as a human habitation; or~~ habitation.  
8 b. If the repair, alteration or improvement of the dwelling cannot  
9 be made at a reasonable cost in relation to the value of the  
10 dwelling (the ordinance of the city may fix a certain percentage  
11 of this value as being reasonable), requiring the owner, within  
12 the time specified in the order, to remove or demolish such  
13 dwelling. However, notwithstanding any other provision of law,  
14 if the dwelling is located in a historic district of the city and the  
15 Historic District Commission determines, after a public hearing  
16 as provided by ordinance, that the dwelling is of particular  
17 significance or value toward maintaining the character of the  
18 district, and the dwelling has not been condemned as unsafe, the  
19 order may require that the dwelling be vacated and closed  
20 consistent with G.S. 160A-400.14(a).

21 (4) That, if the owner fails to comply with an order to repair, alter or  
22 improve ~~or to vacate and close~~ the dwelling, the public officer may  
23 cause the dwelling to be repaired, altered or ~~improved or to be vacated~~  
24 ~~and closed; that the public officer may cause to be posted on the main~~  
25 ~~entrance of any dwelling so closed, a placard with the following~~  
26 ~~words: "This building is unfit for human habitation; the use or~~  
27 ~~occupation of this building for human habitation is prohibited and~~  
28 ~~unlawful." Occupation of a building so posted shall constitute a Class~~  
29 ~~1 misdemeanor.~~ improved.

30 (5) That, if the owner fails to comply with an order to remove or demolish  
31 the dwelling, the public officer may cause such dwelling to be  
32 removed or demolished. The duties of the public officer set forth in  
33 subdivisions (4) and (5) shall not be exercised until the governing body  
34 shall have by ordinance ordered the public officer to proceed to  
35 effectuate the purpose of this Article with respect to the particular  
36 property or properties which the public officer shall have found to be  
37 unfit for human habitation and which property or properties shall be  
38 described in the ordinance. No such ordinance shall be adopted to  
39 require demolition of a dwelling until the owner has first been given a  
40 reasonable opportunity to bring it into conformity with the housing  
41 code. This ordinance shall be recorded in the office of the register of  
42 deeds in the county wherein the property or properties are located and  
43 shall be indexed in the name of the property owner in the grantor  
44 index.



1           ~~(5a) If the governing body shall have adopted an ordinance, or the public~~  
2           ~~officer shall have:~~

3           ~~a. In a municipality located in counties which have a population in~~  
4           ~~excess of 71,000 by the last federal census (including the~~  
5           ~~entirety of any municipality located in more than one county at~~  
6           ~~least one county of which has a population in excess of 71,000),~~  
7           ~~other than municipalities with a population in excess of 190,000~~  
8           ~~by the last federal census, issued an order, ordering a dwelling~~  
9           ~~to be repaired or vacated and closed, as provided in subdivision~~  
10           ~~(3)a, and if the owner has vacated and closed such dwelling and~~  
11           ~~kept such dwelling vacated and closed for a period of one year~~  
12           ~~pursuant to the ordinance or order;~~

13           ~~b. In a municipality with a population in excess of 190,000 by the~~  
14           ~~last federal census, commenced proceedings under the~~  
15           ~~substandard housing regulations regarding a dwelling to be~~  
16           ~~repaired or vacated and closed, as provided in subdivision (3)a.,~~  
17           ~~and if the owner has vacated and closed such dwelling and kept~~  
18           ~~such dwelling vacated and closed for a period of one year~~  
19           ~~pursuant to the ordinance or after such proceedings have~~  
20           ~~commenced,~~

21           ~~then if the governing body shall find that the owner has abandoned the~~  
22           ~~intent and purpose to repair, alter or improve the dwelling in order to~~  
23           ~~render it fit for human habitation and that the continuation of the~~  
24           ~~dwelling in its vacated and closed status would be inimical to the~~  
25           ~~health, safety, morals and welfare of the municipality in that the~~  
26           ~~dwelling would continue to deteriorate, would create a fire and safety~~  
27           ~~hazard, would be a threat to children and vagrants, would attract~~  
28           ~~persons intent on criminal activities, would cause or contribute to~~  
29           ~~blight and the deterioration of property values in the area, and would~~  
30           ~~render unavailable property and a dwelling which might otherwise~~  
31           ~~have been made available to ease the persistent shortage of decent and~~  
32           ~~affordable housing in this State, then in such circumstances, the~~  
33           ~~governing body may, after the expiration of such one year period,~~  
34           ~~enact an ordinance and serve such ordinance on the owner, setting~~  
35           ~~forth the following:~~

36           ~~a. If it is determined that the repair of the dwelling to render it fit~~  
37           ~~for human habitation can be made at a cost not exceeding fifty~~  
38           ~~percent (50%) of the then current value of the dwelling, the~~  
39           ~~ordinance shall require that the owner either repair or demolish~~  
40           ~~and remove the dwelling within 90 days; or~~

41           ~~b. If it is determined that the repair of the dwelling to render it fit~~  
42           ~~for human habitation cannot be made at a cost not exceeding~~  
43           ~~fifty percent (50%) of the then current value of the dwelling, the~~

1                   ordinance shall require the owner to demolish and remove the  
2                   dwelling within 90 days.

3                   This ordinance shall be recorded in the Office of the Register of  
4                   Deeds in the county wherein the property or properties are located and  
5                   shall be indexed in the name of the property owner in the grantor  
6                   index. If the owner fails to comply with this ordinance, the public  
7                   officer shall effectuate the purpose of the ordinance.

8                   This subdivision only applies to municipalities located in counties  
9                   which have a population in excess of 71,000 by the last federal census  
10                  (including the entirety of any municipality located in more than one  
11                  county at least one county of which has a population in excess of  
12                  71,000).

13                  ~~{This subdivision does not apply to the local government units  
14                  listed in subdivision (5b) of this section.}~~

15                  (5b) If the governing body shall have adopted an ordinance, or the public  
16                  officer shall have:

17                  a.       In a municipality other than municipalities with a population in  
18                  excess of 190,000 by the last federal census, issued an order,  
19                  ordering a dwelling to be repaired or vacated and closed, as  
20                  provided in subdivision (3)a, and if the owner has vacated and  
21                  closed such dwelling and kept such dwelling vacated and closed  
22                  for a period of six months ~~one year~~ pursuant to the ordinance or  
23                  order;

24                  b.       In a municipality with a population in excess of 190,000 by the  
25                  last federal census, commenced proceedings under the  
26                  substandard housing regulations regarding a dwelling to be  
27                  repaired or vacated and closed, as provided in subdivision (3)a.,  
28                  and if the owner has vacated and closed such dwelling and kept  
29                  such dwelling vacated and closed for a period of six months ~~one  
30                  year~~ pursuant to the ordinance or after such proceedings have  
31                  commenced,

32                  then if the governing body shall find that the owner has abandoned the  
33                  intent and purpose to repair, alter or improve the dwelling in order to  
34                  render it fit for human habitation and that the continuation of the  
35                  dwelling in its vacated and closed status would be inimical to the  
36                  health, safety, morals and welfare of the municipality in that the  
37                  dwelling would continue to deteriorate, would create a fire and safety  
38                  hazard, would be a threat to children and vagrants, would attract  
39                  persons intent on criminal activities, would cause or contribute to  
40                  blight and the deterioration of property values in the area, and would  
41                  render unavailable property and a dwelling which might otherwise  
42                  have been made available to ease the persistent shortage of decent and  
43                  affordable housing in this State, then in such circumstances, the  
44                  governing body may, after the expiration of such six-month ~~one year~~

1 period, enact an ordinance and serve such ordinance on the owner,  
 2 setting forth the following:

- 3 a. If it is determined that the repair of the dwelling to render it fit  
 4 for human habitation can be made at a cost not exceeding fifty  
 5 percent (50%) of the then current value of the dwelling, the  
 6 ordinance shall require that the owner either repair or demolish  
 7 and remove the dwelling within 90 days; or
- 8 b. If it is determined that the repair of the dwelling to render it fit  
 9 for human habitation cannot be made at a cost not exceeding  
 10 fifty percent (50%) of the then current value of the dwelling, the  
 11 ordinance shall require the owner to demolish and remove the  
 12 dwelling within 90 days.

13 This ordinance shall be recorded in the Office of the Register of Deeds  
 14 in the county wherein the property or properties are located and shall  
 15 be indexed in the name of the property owner in the grantor index. If  
 16 the owner fails to comply with this ordinance, the public officer shall  
 17 effectuate the purpose of the ordinance.

18 ~~This subdivision applies to the Cities of Eden, Greenville,  
 19 Lumberton, Roanoke Rapids, and Whiteville, to the municipalities in  
 20 Lee County, and the Towns of Bethel, Farmville, Newport, and  
 21 Waynesville only.~~

22 (6) Liens. –

- 23 a. That the amount of the cost of repairs, alterations or  
 24 improvements, ~~or vacating and closing,~~ or removal or  
 25 demolition by the public officer shall be a lien against the real  
 26 property upon which the cost was incurred, which lien shall be  
 27 filed, have the same priority, and be collected as the lien for  
 28 special assessment provided in Article 10 of this Chapter.
- 29 b. If the real property upon which the cost was incurred is located  
 30 in an incorporated city, then the amount of the cost is also a lien  
 31 on any other real property of the owner located within the city  
 32 limits or within one mile thereof except for the owner's primary  
 33 residence. The additional lien provided in this sub-subdivision  
 34 is inferior to all prior liens and shall be collected as a money  
 35 judgment.
- 36 c. If the dwelling is removed or demolished by the public officer,  
 37 he shall sell the materials of the dwelling, and any personal  
 38 property, fixtures or appurtenances found in or attached to the  
 39 dwelling, and shall credit the proceeds of the sale against the  
 40 cost of the removal or demolition and any balance remaining  
 41 shall be deposited in the superior court by the public officer,  
 42 shall be secured in a manner directed by the court, and shall be  
 43 disbursed by the court to the persons found to be entitled thereto  
 44 by final order or decree of the court. Nothing in this section

1 shall be construed to impair or limit in any way the power of the  
2 city to define and declare nuisances and to cause their removal  
3 or abatement by summary proceedings, or otherwise.

4 (7) If any occupant fails to comply with an order to vacate a dwelling, the  
5 public officer may file a civil action in the name of the city to remove  
6 such occupant. The action to vacate the dwelling shall be in the nature  
7 of summary ejectment and shall be commenced by filing a complaint  
8 naming as parties-defendant any person occupying such dwelling. The  
9 clerk of superior court shall issue a summons requiring the defendant  
10 to appear before a magistrate at a certain time, date and place not to  
11 exceed 10 days from the issuance of the summons to answer the  
12 complaint. The summons and complaint shall be served as provided in  
13 G.S. 42-29. The summons shall be returned according to its tenor, and  
14 if on its return it appears to have been duly served, and if at the hearing  
15 the public officer produces a certified copy of an ordinance adopted by  
16 the governing body pursuant to subdivision (5) authorizing the officer  
17 to proceed to vacate the occupied dwelling, the magistrate shall enter  
18 judgment ordering that the premises be vacated and that all persons be  
19 removed. The judgment ordering that the dwelling be vacated shall be  
20 enforced in the same manner as the judgment for summary ejectment  
21 entered under G.S. 42-30. An appeal from any judgment entered  
22 hereunder by the magistrate may be taken as provided in G.S. 7A-228,  
23 and the execution of such judgment may be stayed as provided in  
24 G.S. 7A-227. An action to remove an occupant of a dwelling who is a  
25 tenant of the owner may not be in the nature of a summary ejectment  
26 proceeding pursuant to this paragraph unless such occupant was served  
27 with notice at least 30 days before the filing of the summary ejectment  
28 proceeding that the governing body has ordered the public officer to  
29 proceed to exercise his duties under ~~subdivisions (4) and subdivision~~  
30 (5) of this section to ~~vacate and close or remove and demolish the~~  
31 dwelling.

32 (8) That whenever a determination is made pursuant to subdivision (3) of  
33 this section that a dwelling must be ~~vacated and closed, or removed or~~  
34 demolished, under the provisions of this section, notice of the order  
35 shall be given by first-class mail to any organization involved in  
36 providing or restoring dwellings for affordable housing that has filed a  
37 written request for such notices. A minimum period of 45 days from  
38 the mailing of such notice shall be given before removal or demolition  
39 by action of the public officer, to allow the opportunity for any  
40 organization to negotiate with the owner to make repairs, lease, or  
41 purchase the property for the purpose of providing affordable housing.  
42 The public officer or clerk shall certify the mailing of the notices, and  
43 the certification shall be conclusive in the absence of fraud. Only an  
44 organization that has filed a written request for such notices may raise

1                   the issue of failure to mail such notices, and the sole remedy shall be  
2                   an order requiring the public officer to wait 45 days before causing  
3                   removal or demolition."

4                   **SECTION 12.(b)** This section applies only to Morehead City.

5                   **SECTION 13.** Sections 1 through 3 and Sections 5 through 13 of this act are  
6 effective when it becomes law. Section 4 of this act becomes effective October 1, 2005,  
7 and applies to offenses occurring on or after that date.