

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011

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SENATE BILL 170  
Judiciary II Committee Substitute Adopted 5/10/11

Short Title: Clarify Nuisance Abatement Laws.

(Public)

Sponsors:

Referred to:

March 2, 2011

1 A BILL TO BE ENTITLED  
2 AN ACT TO CHANGE THE NUISANCE ABATEMENT LAWS.  
3 The General Assembly of North Carolina enacts:

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

5 "§ 19-1. What are nuisances under this Chapter.

6 (a) The erection, establishment, continuance, maintenance, use, ownership or leasing of  
7 any building or place ~~for the purpose wherein or whereon occur repeated acts~~ of assignation,  
8 prostitution, gambling, illegal possession or sale of alcoholic beverages, illegal possession or  
9 sale of controlled substances as defined in the North Carolina Controlled Substances Act, or  
10 illegal possession or sale of obscene or lewd matter, as defined in this Chapter, shall constitute  
11 a nuisance. The remedy of forfeiture of real property provided in G.S. 19-6.1 shall not apply to  
12 multifamily buildings containing more than four individual rental units.

13 (b) The erection, establishment, continuance, maintenance, use, ownership or leasing of  
14 any building or place wherein or whereon are carried on, conducted, or permitted repeated acts  
15 which create and constitute a breach of the peace shall constitute a nuisance. The remedy of  
16 forfeiture of real property provided in G.S. 19-6.1 shall not apply to multifamily buildings  
17 containing more than four individual rental units.

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

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

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

29 SECTION 2. G.S. 19-1.1 is amended by adding a new subdivision to read:

30 "(8a) The term 'repeated acts,' as used in this Chapter, means more than one  
31 occurrence of assignation, prostitution, gambling, illegal possession or sale  
32 of alcoholic beverages, illegal possession or sale of controlled substances as  
33 defined in the North Carolina Controlled Substances Act, or illegal  
34 possession or sale of obscene or lewd matter, as defined in this Chapter, at  
35 any building or place during a one-year period."

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



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

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