

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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SENATE BILL 170
Judiciary II Committee Substitute Adopted 5/10/11
Judiciary II Committee Substitute #2 Adopted 6/7/11

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 IN RESPONSE TO THE
3 NORTH CAROLINA COURT OF APPEALS DECISION IN SALISBURY V.
4 CAMPBELL.

5 The General Assembly of North Carolina enacts:

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

7 "§ 19-1. What are nuisances under this Chapter.

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

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.

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

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

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

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

28 "(6) Every place ~~which, as a regular course of business, which is used to commit~~
29 acts of lewdness, assignment, gambling, the illegal possession or sale of
30 alcoholic beverages, the illegal possession or sale of controlled substances as
31 defined in the North Carolina Controlled Substances Act, or prostitution, and
32 every such place in or upon which acts of lewdness, assignment, gambling,
33 the illegal possession or sale of alcoholic beverages, the illegal possession or
34 sale of controlled substances as defined in the North Carolina Controlled
35 Substances Act, or prostitution, are held or occur."



1 **SECTION 3.** This act becomes effective August 1, 2011, and applies to offenses
2 committed or nuisances occurring on or after that date.