§ 130A-20. Abatement of an imminent hazard.

(a) If a local health director determines that an imminent hazard exists, the local health director may order the owner, lessee, operator, or other person in control of a specific identified property to abate the imminent hazard or may, after notice to or reasonable attempt to notify the owner, lessee, operator, or other person in control of the property enter upon the specific identified property and take any action necessary to abate the imminent hazard. If the local health director abates the imminent hazard, the local health department shall have a lien on the property of the owner, lessee, operator, or other person in control of the specific identified property where the imminent hazard existed for the cost of the abatement of the imminent hazard. The lien may be enforced in accordance with procedures provided in Chapter 44A of the General Statutes. The lien may be defeated by a showing that an imminent hazard did not exist at the time the local health director took the action. The owner, lessee, operator, or any other person against whose property the lien has been filed may defeat the lien by showing that that person was not culpable in the creation of the imminent hazard.

(b) The local health director shall have the same rights enumerated in subsection (a) of this section to enforce the provisions of Articles 9 and 10 of this Chapter.

(c) The Secretary shall have the authority to determine that a class or category of property uses presents a statewide imminent hazard. For a period of no more than seven calendar days, the Secretary may order owners, operators, or other persons in control of that class or category of property uses to abate the statewide imminent hazard. If the Secretary has notified the Governor, and the Governor has received the concurrence of the Council of State, such order may be extended for up to 30 days at a time. The Secretary may, after notice to or reasonable attempt to notify the owners, operators, or other persons in control of a specific property not complying with the order of abatement, enter upon the property and take any action necessary to abate the imminent hazard. If the Secretary's orders under this subsection would extend the application of the class or categories of properties in areas, when combined, to statewide application, the Secretary shall notify the Governor, and the Governor shall seek the concurrence of the Council of State in accordance with this subsection prior to extension of any of the orders.

(d) The Secretary of Environmental Quality, in accordance with subsection (c) of this section, may enforce the provisions of Articles 9 and 10 of this Chapter.

(e) For purposes of this section, the following definitions shall apply:

(1) Concurrence of the Council of State. – As defined in G.S. 166A-19.3(2d).

(2) Statewide. – Two-thirds or more of the counties in this State. (1893, c. 214, s. 22; Rev., ss. 3446, 4450; 1911, c. 62, ss. 12, 13; 1913, c. 181, s. 3; C.S., ss. 7071, 7072; 1957, c. 1357, s. 1; 1983, c. 891, s. 2; 1997-443, s. 11A.63; 2002-179, s. 6; 2006-255, s. 13.6; 2011-145, s. 13.3(uu); 2015-241, s. 14.30(v); 2021-180, s. 19E.6(d).)