



HOUSE BILL 44: Cities/Overgrown Vegetation Notice

2015-2016 General Assembly

Committee:	House Regulatory Reform	Date:	April 21, 2015
Introduced by:	Reps. Conrad, Lambeth, Hanes, Terry	Prepared by:	Jeff Hudson
Analysis of:	First Edition		Committee Counsel

SUMMARY: *House Bill 44 would change the requirements for the annual notice to a chronic violator of a municipal overgrown vegetation ordinance, to authorize notice by regular mail and posting.*

[As introduced, this bill was identical to S53, as introduced by Sens. Krawiec, Lowe, which is currently in House Local Government, if favorable, Regulatory Reform.]

CURRENT LAW: Current law requires the initial annual notice to a chronic violator of a municipal overgrown vegetation ordinance be sent by registered or certified mail.

BILL ANALYSIS: House Bill 44 would change the requirements for the annual notice to a chronic violator of a municipal overgrown vegetation ordinance:

- to provide that if service is attempted by registered and certified mail, *notice can also be sent by regular mail;*
- to provide that service will be deemed sufficient if the certified mail is unclaimed or refused, but the *regular mail is not returned with 10 days of mailing;* and
- to require a copy of the *notice to also be posted on the premises, if regular mail notice is used.*

This proposed change would enact the same notice procedure currently provided in law for chronic violators of a municipal nuisance ordinance (G.S. 160A-200.1), or for notice of other municipal orders or complaints (G.S. 160A-445).

EFFECTIVE DATE: This would become effective when it becomes law.

BACKGROUND: Under current law, a municipality can enact an overgrown vegetation ordinance, charge a chronic violator of the ordinance for the expense of remedying violations, and collect the cost of remedying violations in the same manner as collection of unpaid property taxes. (G.S. 160A-174, G.S. 160A-175, and G.S. 160A-193; Art 26 of Chapter 105 of the General Statutes).

Current law defines a chronic violator of an overgrown vegetation ordinance as a person who has had remedial action taken against their property at least three times in the previous calendar year. (G.S. 160A-200).

Giles S. Perry, counsel to House Local Government, substantially contributed to this summary.

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House Bill 44

Page 2