



# SENATE BILL 53: Cities/Overgrown Vegetation Notice

2015-2016 General Assembly

<b>Committee:</b>	Senate Judiciary II	<b>Date:</b>	March 5, 2015
<b>Introduced by:</b>	Sens. Krawiec, Lowe	<b>Prepared by:</b>	Janice Paul
<b>Analysis of:</b>	First Edition		Committee Counsel

**SUMMARY:** *Senate Bill 53 would change the requirements for the annual notice to a chronic violator of a municipal overgrown vegetation ordinance by authorizing the sending of notice by regular mail and by posting on the premises.*

[As introduced, this bill was identical to H44, as introduced by Reps. Conrad, Lambeth, Hanes, Terry, which is currently in House Local Government, if favorable, Regulatory Reform.]

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

**BILL ANALYSIS:** Senate Bill 53 would change the requirements for the annual notice to a chronic violator of a municipal overgrown vegetation ordinance as follows:

- 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 that a copy of the *notice also be posted on the premises, if regular mail notice is used.*

The proposed change would create 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 act is 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 owns property on which, in the previous calendar year, the municipality took remedial action at least three times under an overgrown vegetation ordinance (G.S. 160A-200).

*Giles Perry, counsel to the House Committee on Local Government, substantially contributed to this summary.*

