

GENERAL ASSEMBLY OF NORTH CAROLINA
1987 SESSION

CHAPTER 756
HOUSE BILL 925

AN ACT AMENDING THE CHARTER OF THE CITY OF DURHAM
CONCERNING THE POWER OF THE HOUSING APPEALS BOARD AND
DISPOSITION OF PROPERTY.

The General Assembly of North Carolina enacts:

Section 1. Section 102 of the Durham City Charter, the same being Chapter 671, 1975 Session Laws, as amended, is further amended by designating the existing section as subsection (a), by adding the following after the words "building inspector": "or public officer as defined in G.S. 160A-442(7)," and by adding the following new subsection:

"(b) The city council may, by ordinance, also authorize the housing appeals board to hear and decide, without the necessity of further action by the council, any other cases under Parts 5 or 6 of Article 19 of Chapter 160A of the General Statutes and Article II of this Charter which, in the absence of such ordinance, would reach the council for action or decision. In hearing any such cases, the same procedures for the hearing of appeals under subsection (a) herein shall apply, and the decision of the board shall be reviewable in the same manner as decisions under subsection (a) herein."

Sec. 2. The Charter of the City of Durham, the same being Chapter 671, 1975 Session Laws, is further amended by adding a new section to read:

"Sec. 100.1. Summary disposition of certain Personal Property. The City Council may provide for the removal, sale or other disposition of personal property which is found within buildings or dwellings when the building inspector, housing inspector or other public officer proceeds to cause such building or dwelling to be vacated and closed, or demolished pursuant to any ordinances adopted under authority of Part 5 or Part 6 of Article 19, Chapter 160A of the General Statutes or this Charter. The City Council shall cause reasonable notice of the intended removal, sale or other disposition of the personal property to be given to the owner of the building or dwelling or to the owner of the personal property if such owner is known and is someone other than the owner of the building or dwelling, and shall afford such owner or owners a reasonable period of time to remove such personal property. Reasonable notice shall be deemed to have been given if posted in a conspicuous location on the building or dwelling at least seven days prior to removal of said personal property by the City. The provisions of Section 86 of this Charter, which authorize the sale of property at private sale, may, but need not, be followed in the sale of such personal property. The proceeds of such sale shall be applied to the costs of the sale and to the costs of vacating and

closing, or demolishing such building or dwelling. Any surplus shall be paid to the general fund of the City."

Sec. 3. The Charter of the City of Durham, the same being Chapter 671, 1975 Session Laws is further amended by deleting the second full paragraph of Section 86.

Sec. 4. A new section is added to the Charter of the City of Durham to read:

"Sec. 86.2. Disposition of Property by City Manager. The City Council may authorize the City Manager to dispose of the following property without the necessity of approval by the City Council of each such disposition:

- (1) Wrecked or damaged property as part of the settlement of a claim by the city for damage to such property;
- (2) Water or sewer easements, or similar interests in real property, as part of an exchange for other water or sewer easements or similar interests in property; and
- (3) Water or sewer easements, or similar interests in real property when such easement or similar interests in real property is no longer needed by the City.

The provisions of Article 12 of Chapter 160A of the North Carolina General Statutes shall not apply to the disposition of property pursuant to this section."

Sec. 5. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 8th day of August, 1987.