

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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SENATE BILL 945

Short Title: Attorney's Fees in Code Actions.

(Public)

Sponsors: Senator Odom.

Referred to: Local Government.

April 19, 1989

A BILL TO BE ENTITLED

AN ACT TO ALLOW PROPERTY OWNERS TO RECOVER EXPENSES,  
ATTORNEY'S FEES, AND COMPENSATION FOR LOST WAGES AND  
EARNINGS IN CODE AND ORDINANCE ENFORCEMENT ACTIONS  
BROUGHT BY CITIES AND COUNTIES THAT ARE RESOLVED IN FAVOR  
OF THE PROPERTY OWNER.

The General Assembly of North Carolina enacts:

Section 1. Article 6 of Chapter 153A of the General Statutes is amended by  
adding a new section to read:

**"§ 153A-123. Fees and costs where property owner is prevailing party.**

When a county brings or initiates any action or proceeding against a property owner,  
concerning property owned by that person, to:

(1) Collect any civil penalty;

(2) Collect any civil fine;

(3) Enforce any county ordinance;

(4) Enforce any county code; or

(5) Restrain any action as provided by the provisions of any county  
ordinance or county code

and the property owner is the prevailing party in that action or proceeding, the property  
owner shall be entitled to be awarded by the judge, board, commission, or officer  
conducting the action or proceeding, to:

(1) Reasonable attorney's fees;

(2) Costs incurred in the action or proceeding; and

1           (3)    Compensation for lost wages or earnings incurred as the result of  
2           defending the action or proceeding."

3           Sec. 2. Article 8 of Chapter 160A of the General Statutes is amended by  
4 adding a new section to read:

5 **"§ 160A-175.1. Fees and costs where property owner is prevailing party.**

6           When a city brings or initiates any action or proceeding against a property owner,  
7 concerning property owned by that person, to:

8           (1)    Collect any civil penalty;

9           (2)    Collect any civil fine;

10          (3)    Enforce any city ordinance;

11          (4)    Enforce any city code; or

12          (5)    Restrain any action as provided by the provisions of any city ordinance  
13                or city code

14 and the property owner is the prevailing party in that action or proceeding, the property  
15 owner shall be entitled to be awarded by the judge, board, commission, or officer  
16 conducting the action or proceeding, to:

17          (1)    Reasonable attorney's fees;

18          (2)    Costs incurred in the action or proceeding; and

19          (3)    Compensation for lost wages or earnings incurred as the result of  
20                defending the action or proceeding."

21          Sec. 3. This act shall become effective with respect to actions or proceedings  
22 initiated or brought on or after October 1, 1989.