

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

S

2

SENATE BILL 945

Local Government & Regional Affairs Committee Substitute Adopted 5/10/89

Short Title: Expenses in Code Actions.

(Public)

Sponsors:

Referred to:

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 judge,
board, commission, or officer conducting the action or proceeding, may award to the
property owner a sum that, in the opinion of the judge, board, commission, or officer
conducting the action or proceeding, based upon findings of fact, will reimburse the
owner for:

- 1 (1) Reasonable attorney's fees;
2 (2) Costs incurred in the action or proceeding; and
3 (3) Compensation for lost wages or earnings incurred as the result of
4 defending the action or proceeding."

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

7 **"§ 160A-175.1. Fees and costs where property owner is prevailing party.**

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

- 10 (1) Collect any civil penalty;
11 (2) Collect any civil fine;
12 (3) Enforce any city ordinance;
13 (4) Enforce any city code; or
14 (5) Restrain any action as provided by the provisions of any city ordinance
15 or city code

16 and the property owner is the prevailing party in that action or proceeding, the judge,
17 board, commission, or officer conducting the action or proceeding, may award to the
18 property owner a sum that, in the opinion of the judge, board, commission, or officer
19 conducting the action or proceeding, based upon findings of fact, will reimburse the
20 owner for:

- 21 (1) Reasonable attorney's fees;
22 (2) Costs incurred in the action or proceeding; and
23 (3) Compensation for lost wages or earnings incurred as the result of
24 defending the action or proceeding."

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