

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1999

SENATE BILL 720
RATIFIED BILL

AN ACT TO PROVIDE DURHAM COUNTY AND THE CITY OF DURHAM WITH
ADDITIONAL OPTIONS FOR SERVICE OF PROCESS IN ZONING CODE
CASES.

The General Assembly of North Carolina enacts:

Section 1.(a) Notice of violation of an ordinance adopted under Parts 1, 2, and 3 of Article 18 of Chapter 153A of the General Statutes shall be served upon violators either personally or by registered or certified mail. When service is made by registered or certified mail, a copy of the notice of violation may also be sent by regular mail. Service shall be deemed sufficient if the registered or certified mail is unclaimed or refused, but the regular mail is not returned by the post office within 10 days after mailing, provided that a notice of violation is posted in a conspicuous place on the premises affected.

Section 1.(b) If the identities or the whereabouts of violators are unknown and cannot be ascertained after the exercise of reasonable diligence, or if the violators are known but refuse to accept service by registered or certified mail and an affidavit is made to that effect, then the serving of the notice of violation upon the violators may be made by publication at least once in a newspaper having general circulation in the county. When service is made by publication, a notice of violation shall be posted in a conspicuous place on the premises affected.

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

"94.6. Service of Process of Zoning Code Violations.

(a) Notice of violation of an ordinance adopted under Parts 1, 2, 3, or 3C of Article 19 of Chapter 160A of the General Statutes shall be served upon violators either personally or by registered or certified mail. When service is made by registered or certified mail, a copy of the notice of violation may also be sent by regular mail. Service shall be deemed sufficient if the registered or certified mail is unclaimed or refused, but the regular mail is not returned by the post office within 10 days after mailing, provided that a notice of violation is posted in a conspicuous place on the premises affected.

(b) If the identities or the whereabouts of violators are unknown and cannot be ascertained after the exercise of reasonable diligence, or if the violators are known but refuse to accept service by registered or certified mail and an affidavit is made to that effect, then the serving of the notice of violation upon the violators may be made by publication at least once in a newspaper having general circulation in the city. When service is made by publication, a notice of violation shall be posted in a conspicuous place on the premises affected."

Section 3. Section 1 of this act applies to Durham County only. Section 2 of this act applies to the City of Durham only.

Section 4. This act is effective when it becomes law.

In the General Assembly read three times and ratified this the 18th day of May, 1999.

Dennis A. Wicker
President of the Senate

James B. Black
Speaker of the House of Representatives