

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2003

H

1

HOUSE BILL 429

Short Title: Just Comp./Local Gov. Taking. (Public)

---

Sponsors: Representatives Culpepper; Adams, B. Allen, Barnhart, Blackwood, Church, Coates, Cole, Crawford, Culp, Fox, Gibson, Goforth, Goodwin, Gorman, Gulley, Hall, Hilton, Jeffus, L. Johnson, Jones, LaRoque, Lewis, Lucas, McHenry, Miner, Moore, Munford, Parmon, Preston, Ray, Rayfield, Rhodes, Sutton, Wainwright, Warner, Warren, West, K. Williams, C. Wilson, G. Wilson, Wright, and Yongue.

---

Referred to: Rules, Calendar, and Operations of the House.

---

March 12, 2003

A BILL TO BE ENTITLED

1 AN ACT TO REQUIRE LOCAL GOVERNMENTS TO PAY JUST  
2 COMPENSATION FOR REMOVAL OF LAWFULLY ERECTED BUILDINGS,  
3 STRUCTURES, OUTDOOR ADVERTISING, OR PERSONAL PROPERTY AND  
4 TO AUTHORIZE LOCAL GOVERNMENTS TO ENTER INTO RELOCATION  
5 AND RECONSTRUCTION AGREEMENTS WITH OWNERS OF  
6 NONCONFORMING PROPERTIES.  
7

8 The General Assembly of North Carolina enacts:

9 **SECTION 1.** Article 11 of Chapter 136 of the General Statutes is amended  
10 by adding the following new section to read:

11 **"§ 136-131.2. Acquisition by local governments of nonconforming property.**

12 (a) A local governmental entity may acquire by purchase, gift, or condemnation,  
13 buildings, structures, outdoor advertising, or items of personal property attached to the  
14 land that are nonconforming under a local ordinance and may regulate the use of  
15 property within the jurisdiction of the local governmental entity in accordance with the  
16 applicable provisions of Chapter 153A and Chapter 160A of the General Statutes.

17 (b) As of January 1, 2003, no local governmental entity shall enact an ordinance  
18 that requires the removal of any nonconforming, lawfully erected building, structure,  
19 outdoor advertising, or item of personal property attached to the land without the  
20 payment of just compensation to the owner of the property. The requirement by a local  
21 governmental entity that a nonconforming use of property for outdoor advertising  
22 adjacent to a public street or highway right-of-way shall be terminated as a condition for  
23 the issuance or continuation of any required permit, or incident to acquisition of the

1 property by a local governmental entity, is prohibited under without the payment of just  
2 compensation, as provided in this section.

3  
4 (c) Just compensation, for the purposes of this section, shall be the fair market  
5 value of the buildings, structures, outdoor advertising, or items of personal property  
6 attached to the land that are in place immediately prior to their removal and without  
7 consideration of the effect of the ordinance or any diminution in value caused by the  
8 ordinance requiring their removal, less the fair market value of the buildings, structures,  
9 outdoor advertising, or items of personal property attached to the land immediately after  
10 their removal.

11 (d) In lieu of just compensation, a local governmental entity may enter into  
12 relocation and reconstruction agreements with owners of nonconforming property to be  
13 removed, provided that the terms are agreeable to the owner of the buildings, structures,  
14 outdoor advertising, or items of personal property attached to the land. A local  
15 governmental entity may adopt an ordinance or resolution providing for relocation or  
16 reconstruction agreements.

17 (e) The term "outdoor advertising", as used in this section, shall have the same  
18 meaning as in G.S. 136-128(3), except that it shall include outdoor advertising visible  
19 from the main-traveled way of any road."

20 **SECTION 2.** This act is effective when it becomes law.