

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

S

2

SENATE BILL 1682
Second Edition Engrossed 6/16/94

Short Title: Orange/Chatham Omnibus.

(Local)

Sponsors: Senators Lee and Walker.

Referred to: Local Government and Regional Affairs.

June 6, 1994

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE FURTHER SUNDRY AMENDMENTS RELATING TO LOCAL
3 GOVERNMENTS IN ORANGE AND CHATHAM COUNTIES.

4 The General Assembly of North Carolina enacts:

5 **PART 1. CHATHAM/NO BRIDGE FISHING.**

6 Section 1. (a) A county may adopt ordinances to prohibit or regulate fishing from
7 any bridge for any purpose relating to public safety. Such an ordinance shall be
8 enforceable by law enforcement officers of the Wildlife Resources Commission, by
9 sheriffs and deputy sheriffs, and by peace officers with general subject matter
10 jurisdiction.

11 (b) This section applies only to Chatham County.

12
13 **PART 2. CARRBORO CAMPAIGN REPORTING.**

14 Sec. 2. The Charter of the Town of Carrboro, being Chapter 476, Session
15 Laws of 1987, is amended by adding a new section to read:

16 "Section 2-7. Campaign Finance Reporting. Notwithstanding G.S. 163-278.6(18)
17 and G.S. 163-278.40(2), the provisions of Part 2 of Article 22A of Chapter
18 163 of the General Statutes, as they now exist or are hereafter amended, are applicable
19 to municipal elections and election campaigns in the Town of Carrboro."

20 (b) This section is effective upon ratification, and applies to elections conducted
21 beginning in 1995.

22
23 **PART 3. ORANGE PYROTECHNICS.**

1 Sec. 3. G.S. 14-410 reads as rewritten:

2 "**§14-410. Manufacture, sale and use of pyrotechnics prohibited; public exhibitions**
3 **permitted; common carriers not affected.**

4 It shall be unlawful for any individual, firm, partnership or corporation to
5 manufacture, purchase, sell, deal in, transport, possess, receive, advertise, use or cause
6 to be discharged any pyrotechnics of any description whatsoever within the State of
7 North Carolina: provided, however, that it shall be permissible for pyrotechnics to be
8 exhibited, used or discharged at public exhibitions, such as fairs, carnivals, shows of all
9 descriptions and public celebrations: provided, further, that the use of said pyrotechnics
10 in connection with public exhibitions, such as fairs, carnivals, shows of all descriptions
11 and public celebrations, shall be under supervision of experts who have previously
12 secured written authority from the board of county commissioners of the county in
13 which said pyrotechnics are to be exhibited, used or ~~discharged~~-discharged; provided,
14 further, that such written authority from the board of commissioners is not required for a
15 public exhibition authorized by The University of North Carolina or the University of
16 North Carolina at Chapel Hill and conducted on lands or buildings in Orange County
17 owned by The University of North Carolina or the University of North Carolina at
18 Chapel Hill; provided, further, that it shall not be unlawful for a common carrier to
19 receive, transport, and deliver pyrotechnics in the regular course of its business."

20 Section 3.1. G.S. 14-413 reads as rewritten:

21 "**§ 14-413. Permits for use at public exhibitions.**

22 For the purpose of enforcing the provisions of this article, the board of county
23 commissioners of any county are hereby empowered and authorized to issue permits for
24 use in connection with the conduct of public exhibitions, such as fairs, carnivals, shows
25 of all descriptions and public exhibitions, but only after satisfactory evidence is
26 produced to the effect that said pyrotechnics will be used for the aforementioned
27 purposes and none other. Provided that no such permit shall be required for a public
28 exhibition authorized by the University of North Carolina and conducted on lands or in
29 buildings owned by the University of North Carolina."

30
31 **PART 4. CHAPEL HILL-CARRBORO SCHOOL RECALL.**

32 Sec. 4. Any member of the Chapel Hill-Carrboro City Board of Education
33 may be removed from office in the manner provided for in this Part.

34 Sec. 5. (a) Any registered voter of the Chapel Hill-Carrboro City School
35 Administrative Unit may make and file with the Supervisor of Elections of the Board of
36 Elections of Orange County an affidavit containing the name of the official whose
37 removal is sought and a general statement of the grounds alleged for removal. The
38 supervisor of elections shall thereupon deliver to the registered voter making such
39 affidavit copies of petitions for demanding such a removal, printed forms of which the
40 supervisor of elections shall keep on hand. Such blank forms shall be issued by the
41 supervisor of elections with his or her signature thereto attached and shall be dated and
42 addressed to the Board of Elections of Orange County, indicate the person to whom
43 issued, state the name of the official whose removal is sought, and shall contain the

1 general statement of the grounds on which the removal is sought as alleged in the
2 affidavit.

3 (b) A copy of the petition shall be promptly delivered to the Superintendent of
4 the Chapel Hill-Carrboro City School Administrative Unit, who shall enter the copy of
5 the petition in a record book kept for that purpose in the office of the superintendent. A
6 recall petition to be effective must be returned within 30 days after the filing of the
7 affidavit, and to be sufficient must bear the signatures of registered voters of the school
8 administrative unit equal in number to at least ten percent (10%) of the registered voters
9 of the school administrative unit as shown by the registration records of the last
10 preceding general school administrative unit election.

11 (c) The signatures to the petition need not all be appended to one paper, but
12 each signer shall add to his signature the signer's place of residence, giving the
13 residence address including town. One of the signers of each such paper shall take an
14 oath before an officer competent to administer oaths that each signature to the paper
15 appended is the genuine signature of the person whose name it purports to be.

16 (d) The Board of Elections of Orange County shall investigate the sufficiency of
17 any such petition and certify the results of such investigation to the Board of Education.
18 The Board of Elections may employ such persons as it deems necessary to undertake
19 such investigations, and the reasonable cost of such investigation shall be reimbursed to
20 the Board of Elections by the school administrative unit. The Board of Elections may
21 adopt such rules and regulations as it deems necessary or advisable concerning the
22 validation of signatures appearing on the recall petition.

23 (e) The Board of Elections shall complete its investigation and issue its
24 certification of the results of such investigation within 15 days after the filing of any
25 such petition. If, by the Board of Elections' certification, the petition is shown to be
26 insufficient, it may be amended within 10 days from the date of said certificate. The
27 Board shall, within 10 days after such amendment, make like examination of the
28 amended petition, and if its certificate shall show the same to be insufficient, it shall be
29 returned to the person filing the same, without prejudice, however, to the filing of a new
30 petition to the same effect.

31 (f) Upon a determination that a sufficient recall petition has been submitted,
32 the Board of Elections shall order and fix a date for holding a recall election. Subject to
33 the remaining provisions of this subsection, any such election shall be held not less than
34 50 nor more than 70 days after the petition has been certified as being sufficient. If any
35 other general or special election is scheduled within such period, the Board of Elections
36 shall schedule the special election at the same time. If the provisions of general law
37 prohibit the holding of special elections during the time aforesaid, and no general or
38 special election is otherwise scheduled during said period of time, then the Board of
39 Elections shall schedule the special recall election for some date within 10 days after the
40 last day of the period of time during which special elections are prohibited by general
41 law.

42 Notwithstanding the other provisions of this subsection, no recall election
43 shall be scheduled during the time period beginning on the first Monday in July and
44 ending on the last Monday in August in any calendar year.

1 If the 50- to 70-day time period during which an election is to be scheduled
2 falls completely within the time period beginning on the first Monday in July and
3 ending on the last Monday in August, the recall election shall be postponed and shall be
4 scheduled within 10 days after the last Monday in August, unless otherwise prohibited
5 by general law, in which case said election shall be scheduled within 10 days after the
6 last day of said period of time during which special elections are prohibited by general
7 law.

8 If the 50- to 70-day time period during which an election is to be scheduled
9 falls partially but not completely within the period from the first Monday in July to the
10 last Monday in August, a recall election shall be scheduled during the time period either
11 before the first Monday in July or after the last Monday in August which otherwise
12 complies with the 50- to 70-day requirement unless otherwise prohibited by general
13 law, in which case said election shall be scheduled within 10 days after the last day of
14 said period of time during which special elections are prohibited by law.

15 (g) The Orange County Board of Elections shall cause legal notice of the
16 election to be published, the notice to include the general statement of the grounds on
17 which the recall is sought as alleged in the affidavit, and shall make all arrangements for
18 holding such election in accordance with general law, and the same shall be conducted,
19 returned, and the results thereof declared in all respects as other school administrative
20 unit elections in the Chapel Hill-Carrboro City School Administrative Unit. The
21 reasonable costs of such election shall be reimbursed to the Board of Elections by the
22 school administrative unit.

23 (h) The question of recalling any number of officials may be submitted at the
24 same election, but, as to each such official, a separate petition shall be filed and there
25 shall be an entirely separate ballot.

26 (i) The ballots used in a recall election shall submit the following
27 propositions in the order indicated:

28 ___For the recall of (name and title of official)

29 ___Against the recall of (name and title of official).

30 (j) If less than a majority of the votes cast on the question of recalling an
31 official be for recall, the official shall continue in office for the remainder of the
32 unexpired term, but, except as provided by Section 6(a) of this act, subject to the recall
33 as before. If a majority of such votes be for the recall of the official designated on the
34 ballot, the official shall, regardless of any defects in the recall petition, be deemed
35 removed from office.

36 (k) If an official is removed from office as a result of a recall election, the
37 vacancy so caused shall be filled in the manner provided by law for filling vacancies in
38 such office. An official removed from office by the voters as a result of a recall election
39 shall not be appointed to fill the vacancy caused by that official's own removal or
40 resignation.

41 Sec. 6. (a) No recall petition shall be filed against an officer who has been subjected
42 to a recall election, and not removed thereby, until at least one year after that election,
43 and any such subsequent recall petition to be sufficient must bear the signatures of
44 registered voters of the school administrative unit equal in number to at least twenty

1 percent (20%) of the registered voters of the school administrative unit as shown by the
2 registration records of the last preceding general school administrative unit election, and
3 shall comply with all other requirements of this part.

4 (b) No recall petition shall be filed against an officer during either the first or last
5 six months of the term of that office. If a person is serving only until an election shall
6 be held to fill the office for the remainder of a term, no recall petition shall be filed
7 against that officer during the six month period before that election.

8 Sec. 7. Except as provided herein, this act is effective upon ratification.