

GENERAL ASSEMBLY OF NORTH CAROLINA
1993 SESSION

CHAPTER 660
SENATE BILL 1682

AN ACT TO MAKE FURTHER SUNDRY AMENDMENTS RELATING TO LOCAL
GOVERNMENTS IN ORANGE AND CHATHAM COUNTIES.

The General Assembly of North Carolina enacts:

PART 1. CHATHAM/NO BRIDGE FISHING.

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

(b) This section applies only to Chatham County.

PART 2. CARRBORO CAMPAIGN REPORTING.

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

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

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

PART 3. ORANGE PYROTECHNICS.

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

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

It shall be unlawful for any individual, firm, partnership or corporation to manufacture, purchase, sell, deal in, transport, possess, receive, advertise, use or cause to be discharged any pyrotechnics of any description whatsoever within the State of North Carolina: provided, however, that it shall be permissible for pyrotechnics to be exhibited, used or discharged at public exhibitions, such as fairs, carnivals, shows of all descriptions and public celebrations: provided, further, that the use of said pyrotechnics in connection with public exhibitions, such as fairs, carnivals, shows of all descriptions and public celebrations, shall be under supervision of experts who have previously secured written authority from the board of county commissioners of the county in which said pyrotechnics are to be exhibited, used or ~~discharged~~: discharged: provided.

further, that such written authority from the board of commissioners is not required for a public exhibition authorized by The University of North Carolina or the University of North Carolina at Chapel Hill and conducted on lands or buildings in Orange County owned by The University of North Carolina or the University of North Carolina at Chapel Hill; provided, further, that it shall not be unlawful for a common carrier to receive, transport, and deliver pyrotechnics in the regular course of its business."

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

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

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

PART 4. CHAPEL HILL-CARRBORO SCHOOL RECALL.

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

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

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

(c) The signatures to the petition need not all be appended to one paper, but each signer shall add to his signature the signer's place of residence, giving the

residence address including town. One of the signers of each such paper shall take an oath before an officer competent to administer oaths that each signature to the paper appended is the genuine signature of the person whose name it purports to be.

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

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

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

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

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

If the 50- to 70-day time period during which an election is to be scheduled falls partially but not completely within the period from the first Monday in July to the last Monday in August, a recall election shall be scheduled during the time period either before the first Monday in July or after the last Monday in August which otherwise complies with the 50- to 70-day requirement unless otherwise prohibited by general

law, in which case said election shall be scheduled within 10 days after the last day of said period of time during which special elections are prohibited by law.

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

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

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

___ For the recall of (name and title of official)

___ Against the recall of (name and title of official).

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

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

Sec. 6. (a) No recall petition shall be filed against an officer who has been subjected to a recall election, and not removed thereby, until at least one year after that election, and any such subsequent recall petition to be sufficient must bear the signatures of registered voters of the school administrative unit equal in number to at least twenty percent (20%) of the registered voters of the school administrative unit as shown by the registration records of the last preceding general school administrative unit election, and shall comply with all other requirements of this part.

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

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

In the General Assembly read three times and ratified this the 1st day of July, 1994.

Dennis A. Wicker
President of the Senate

Daniel Blue, Jr.
Speaker of the House of Representatives