

NORTH CAROLINA GENERAL ASSEMBLY
1969 SESSION

CHAPTER 36
HOUSE BILL 57

1 AN ACT GRANTING ORDINANCE-MAKING AUTHORITY TO COUNTIES.

2
3 The General Assembly of North Carolina do enact:
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5 **Section 1.** Section 153-9 (55) of the General Statutes of North Carolina is rewritten
6 to read as follows:

7 "(55) To Adopt Ordinances for the Better Government of the County. — To adopt
8 ordinances to prevent and abate nuisances, whether on public or private
9 property; ordinances supervising, regulating, or suppressing or prohibiting in
10 the interest of public morals, comfort, safety, convenience and welfare,
11 public recreations, amusements and entertainments, and all things
12 detrimental to the public good; and ordinances in exercise of the general
13 police power not inconsistent with the Constitution and laws of the State or
14 the Constitution and laws of the United States. Nothing herein shall affect
15 the authority of local boards of health to adopt rules and regulations for the
16 protection and promotion of public health. Nothing herein shall confer upon
17 any county any power or authority (not now possessed by such county)
18 relating to the regulation or control of streets and highways, or of the rights
19 of way or rights of passage of public utilities, electric membership
20 corporations or public agencies of the State, or of the use of or traffic upon
21 or through such streets, highways, or rights of way or passage. Ordinances
22 adopted pursuant to this subdivision shall apply throughout the county,
23 except that such ordinances shall not be applicable within the corporate
24 limits or jurisdiction of any municipality which has conducted the most
25 recent election required by its charter or the general law, whichever is
26 applicable, unless the governing body thereof shall, by resolution, agree to
27 such ordinance.

28 Ordinances adopted pursuant to this subdivision shall be passed on
29 two readings, both being read at regularly scheduled meetings of said Board.
30 Following passage on first reading, the board of commissioners shall publish
31 a notice in some newspaper published in the county, or, if none, in some
32 newspaper having a general circulation in the county, calling a public
33 hearing on the ordinance, stating where an official copy thereof may be
34 inspected or obtained, the title or substance of the ordinance, and, in the
35 discretion of the board, the full text of the ordinance. The hearing shall be
36 held not later than 15 days following passage on first reading. Following the
37 public hearing, but not earlier than 30 days after passage of the ordinance on
38 first reading, the ordinance shall be read for the second time. If the ordinance
39 shall pass its second reading, the board shall cause the full text of the
40 ordinance to be published in some newspaper published in the county, or, if
41 none, in some newspaper having a general circulation in the county, and the
42 ordinance shall take effect not earlier than 20 days following this second
43 publication, unless the board shall fix a later date.

The board of commissioners shall cause the clerk to the board to keep an ordinance book which shall be separate from the commissioners' minute book and in which shall be recorded all ordinances adopted pursuant to this subdivision together with the certificates of publication furnished pursuant to G.S. Section 1-598. No ordinance shall be effective until recorded, indexed, and published as hereinabove required, and failure to comply with these requirements shall be a defense to any criminal action under G.S. 14-4 for violation of a county ordinance.

Sec. 2. Section 14-4 of the General Statutes of North Carolina is rewritten to read as follows:

"Section 14-4. Violation of local ordinances misdemeanor. — If any person shall violate an ordinance of a county, city, or town, he shall be guilty of a misdemeanor and shall be fined not more than fifty dollars (\$50.00), or imprisoned for not more than thirty days."

Sec. 3. All laws and clauses of laws in conflict with this Act are repealed.

Sec. 4. This Act shall take effect upon its ratification.

In the General Assembly read three times and ratified, this the 6th day of March, 1969.