

NORTH CAROLINA GENERAL ASSEMBLY
1981 SESSION

CHAPTER 911
SENATE BILL 229

AN ACT TO MAKE SUNDRY AMENDMENTS RELATING TO LOCAL
GOVERNMENTS IN ORANGE COUNTY.

The General Assembly of North Carolina enacts:

Section 1. The Charter of the Town of Carrboro, being Chapter 660, Session Laws of 1969, is amended by adding a new section to read:

"Sec. 5.44. Bikeways. The Town of Carrboro may adopt ordinances regulating the use of bikeways (thoroughfares suitable for bicycles) within the town, whether such bikeways exist within the rights-of-way of public streets or along separate and independent corridors. Without limiting the foregoing, such ordinances may establish traffic regulations for bicycles travelling in designated bikeways different than those established for other types of vehicular traffic."

Sec. 2. The Charter of the Town of Carrboro is amended by adding the following new Subchapter to Article VI:

"Subchapter D.

"Eminent Domain.

"Sec. 6.63. Eminent Domain. G.S. 160A-248(c) is amended by adding immediately after the words 'third appraiser' the words 'within 15 days after the city has mailed a written notice to both the owner's appraiser and the city's appraiser informing them of the name of each other and requesting them to appoint a third appraiser in accordance with this section', and is further amended by adding at the end of the section the words 'The clerk must make the appointment within 15 days after application is made'.

"Sec. 6.64. Purposes For Which Powers of Eminent Domain May Be Exercised. The power of eminent domain may be exercised by the Town of Carrboro for any purpose authorized by general law or by this Charter. Without limiting the foregoing, as applied to the Town of Carrboro the phrase 'streets, alleys, and sidewalks' contained in G.S. 160A-241(1) shall be deemed to include bikeways, bikepaths, and other facilities designed for travel by the bicycle-riding public, whether or not combined with streets, sidewalks, paths, or other public ways used for transportation by vehicles or pedestrians. Any proceeding commenced by the Town of Carrboro before the effective date of this section to condemn any interests or interests in real property for the purpose of constructing such a bikeway or bikepath is hereby fully approved and ratified."

Sec. 3. The Charter of the Town of Carrboro, as found in Chapter 660, Session Laws of 1969, is amended by adding a new section to read:

"Sec. 4.144. Conveyance of Property Acquired Within Redevelopment or Community Development Areas. Notwithstanding the provisions of Articles 12 and 22

of G.S. 160A or any other provision of law, the Town of Carrboro may, in selling property acquired within a redevelopment area or a community development area, reject the highest responsible bid and accept a lesser bid when the board of aldermen finds that:

(1) The proposed use or development of the land under the bid proposed for acceptance will result in an assessed valuation for ad valorem taxation greater than that of the use or uses proposed by the higher bidders; or

(2) The proposed use or development of the land under the bid proposed for acceptance will have a substantially greater beneficial effect upon neighboring property, the redevelopment or community development area, or the community as a whole than the use or uses proposed by the higher bidders, or will tend to induce greater investment in the development of other property in the area; or

(3) The proposed use or development of the land under the bid proposed for acceptance will facilitate the relocation of persons or firms displaced by redevelopment or community development projects to a substantially greater degree than the use or uses proposed by the higher bidders.

The findings set forth above shall be contained in a resolution, duly adopted by the board of aldermen, authorizing the sale."

Sec. 4. Notwithstanding any provision of the State Building Code or any public or local law to the contrary, a town is authorized to require by ordinance the inclusion of sprinklers in all buildings in excess of 50 feet in height constructed within the corporate limits of the town after the effective date of said ordinance.

Sec. 5. G.S. 160A-486 is amended by labeling the present section as subsection (a) and adding thereto a new subsection (b) to read as follows:

"(b) Whenever a city council reasonably believes that the Federal Decennial Census has seriously undercounted the city's actual population, it may request the Office of State Budget and Management to conduct a one hundred percent (100%) municipal census as provided in this subsection, and the Office of State Budget and Management shall thereafter use the census figures derived from this census, rather than the Federal Decennial Census figures, to determine the city's population for all purposes for which, under general law, the budget officer is required to make such a determination.

(1) For purposes of this subsection, a city's population was 'seriously undercounted' if the city's actual population on federal 'census day' (April 1, 1980) exceeded the final population figures estimated by the U.S. Bureau of Census by more than five percent (5%).

(2) A request under this subsection must be made by resolution of the governing body of the requesting city. The resolution shall set forth the basis for the city's reasonable belief that the federal census has seriously undercounted the city's actual population. This belief may be based upon a sample survey or actual population count conducted by the city, estimates based on utility records, or any other reasonably reliable and persuasive evidence.

(3) Subject to subdivision (4), in responding to a request under this subsection, the Office of State Budget and Management shall conduct

the census according to the standard procedures usually followed by that Office in conducting one hundred percent (100%) municipal censuses.

- (4) If a request under this subsection is received by the State Budget Officer before August 1, 1981, the Office of State Budget and Management shall conduct the census as soon after September 1, 1981, as possible so that the population figures derived therefrom can be certified for use by any State department or division distributing revenue to municipalities on or after October 1, 1981."

Sec. 6. (a) Section 2.1(c) of the Charter of the Town of Chapel Hill (Section 2.2(c) under local revision pursuant to G.S. 160A-496) is rewritten to read:

"(c) The mayor shall be elected at biennial elections for a term of two years subject to the provisions of Section 2.3 of this Charter. No person shall be eligible to be elected to mayor for more than four successive two-year terms."

(b) This section shall become effective beginning with the 1983 municipal election.

Sec. 7. Section 2.4 of the Charter of the Town of Chapel Hill (Section 2.3 under local revision pursuant to G.S. 160A-496), as rewritten by Chapter 1107, Session Laws of 1979 (Second Session 1980) is amended by rewriting subdivision (1) to read:

"(1) A vacancy occurring in the office of mayor, which occurs on or before the 40th day prior to the 1981 town election shall be filled by the town council only until that election, at which time a mayor shall be elected to serve the remainder of the unexpired term. A vacancy occurring in the office of mayor which occurs at any other time shall be filled by appointment of the town council for the remainder of the unexpired term."

Sec. 8. G.S. 115C-37(d) is amended by deleting "December", and inserting in lieu thereof the word "July".

Sec. 9. The Board of County Commissioners may provide by ordinance that the owner of every lot within the county on which there exist eight or more dwelling units for rent shall, no later than January 30th of each year, furnish to the tax supervisor the name and address of every person occupying any such dwelling units on January 1st of that year.

Sec. 10. The Charter of the Town of Carrboro, as found in Chapter 660, Session Laws of 1969, is amended by adding a new Subchapter to Chapter V to read:

"Subchapter F.

"Trespass.

"Sec. 5.140. Trespass. The town may, by ordinance, make it a misdemeanor for any person to refuse to vacate any land, building, or facility owned, leased, or otherwise occupied, used or under the possession of the Town of Carrboro, when directed to do so by an order of the town manager, any police officer, or the town administrative official or employee in charge of such land, building, or facility."

Sec. 11. Sections 1, 2, 3, and 10 of this act apply only to the Town of Carrboro. Sections 6 and 7 of this act apply only to the Town of Chapel Hill. Sections 4 and 5 of this act apply only to the Towns of Carrboro and Chapel Hill. Section 8 of this

act applies only to the Orange County Board of Education. Section 9 of this act applies only to Orange County.

Sec. 12. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 9th day of July, 1981.