

GENERAL ASSEMBLY OF NORTH CAROLINA
1983 SESSION

CHAPTER 367
HOUSE BILL 863

AN ACT TO AMEND THE CHARTER OF THE CITY OF WILMINGTON TO
REVISE CERTAIN ORDINANCE PROCEDURES.

The General Assembly of North Carolina enacts:

Section 1. Section 3.11(b) of the Charter of the City of Wilmington, being Chapter 495 of the 1977 Session Laws is amended by adding a new sentence after the first sentence to read:

"Notwithstanding the provisions of G.S. 159-17(1), the affirmative vote of a majority of the council members shall be necessary to adopt or amend the budget ordinance or any project ordinance."

Sec. 2. Article V of the Charter of the City of Wilmington, being Chapter 495 of the 1977 Session Laws is rewritten to read:

"ARTICLE V. INITIATIVE AND REFERENDUM.

"Sec. 5.1. Initiative ordinances generally.

(a) Any proposed ordinance may be submitted to the council by petition signed by electors of the city equal in number to the percentages hereinafter required. If the petition accompanying the proposed ordinance is signed by electors of the city equal in number to twenty-five percent (25%) of the votes cast at the last preceding regular municipal election and contains a request that such ordinance be submitted to a vote of the people, if not passed by the council, the council shall either:

- (1) Pass the ordinance without alteration within 20 days after the city clerk and the New Hanover County Board of Elections have certified the sufficiency of the accompanying petition; or
- (2) Within 20 days after the city clerk and the New Hanover County Board of Elections have certified the sufficiency of the petition, the council shall call a special election to be held within six months, unless a general election is fixed within six months thereafter. At such special or general election the ordinance shall be submitted without alteration to the vote of the electors of the city.

(b) The ballots used when voting upon such ordinance shall contain these words: 'For the ordinance' (stating the nature of the proposed ordinance), and 'Against the ordinance' (stating the nature of the proposed ordinance). If a majority of the qualified electors voting on the proposed ordinance shall vote in favor thereof, such ordinance shall thereupon become a valid and binding ordinance of the city; and any ordinance proposed by petition or which shall be adopted by a vote of the people cannot be repealed or amended except by a vote of the people.

(c) Any number of proposed ordinances may be voted upon at the same election, in accordance with the provisions of this section; but there shall not be more than one special election in any period of six months for such purpose.

(d) The council may submit a proposition for the repeal of any ordinance, or for amendments thereto, to be voted upon at any succeeding general or special election. Should such proposition so submitted receive a majority of the votes cast at such election, such ordinance shall thereby be repealed or amended accordingly. Whenever any ordinance or proposition is required by this act to be submitted to the voters of the city at any election, the city clerk shall cause such ordinance or proposition to be published once in each of the newspapers published daily in the City of Wilmington. Such publication shall be not more than 20 nor less than five days before the date fixed for the special or general election.

"Sec. 5.2. Form and contents of referendum petition. The petition provided for in the preceding section shall be signed by none but legal voters of the city. Each petition shall contain, in addition to the names of the petitioners, the street and house number at which the petitioner resides, his age and length of residence in the city. It shall also be accompanied by the affidavit of one or more legal voters of the city, stating that the signers thereof were, at the time of the signing, legal voters of the city, and stating the number of signers at the time the affidavit was made."

Sec. 3. Section 20.2 of the Charter of the City of Wilmington, being Chapter 495 of the 1977 Session Laws is amended by rewriting the second sentence to read:

"No such ordinance shall be finally adopted until it has been passed at two regular meetings of the city council."

Sec. 4. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 23rd day of May, 1983.