

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

S

1

SENATE BILL 1682

Short Title: Orange/Chatham Omnibus.

(Local)

Sponsors: Senators Lee and Walker.

Referred to: Local Government and Regional Affairs.

June 6, 1994

A BILL TO BE ENTITLED

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) Notwithstanding any other provision of law, it is unlawful to fish from or to loiter upon any bridge located within the boundaries of the B. Everett Jordan Reservoir area in Chatham County or upon the bridge on N.C. State Road 1943 where that road crosses Robeson Creek.

(b) The North Carolina Wildlife Resources Commission shall, in consultation with the Department of Transportation, provide for the posting of signs giving notice of the provisions of subsection (a) of this section at all bridges subject to Section 1 of this act.

(c) Violation of this section is a Class 3 misdemeanor.

(d) This section is enforceable by law enforcement officers of the Wildlife Resources Commission, by sheriffs and deputy sheriffs, and by peace officers with general subject matter jurisdiction.

(e) This section applies only to Chatham County.

(f) This section becomes effective October 1, 1994.

**PART 2. CARRBORO CAMPAIGN REPORTING.**

Sec. 2. The Charter of the Town of Carrboro, being Chapter 76, Session Laws of 1987, is amended by adding a new section to read:

1 "Section 2-7. Campaign Finance Reporting. Notwithstanding G.S. 163-278.6(18)  
2 and G.S. 163-278.40(2), the provisions of Part 2 of Article 22A of Chapter  
3 163 of the General Statutes, as they now exist or are hereafter amended, are applicable  
4 to municipal elections and election campaigns in the Town of Carrboro."

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

### 7 8 **PART 3. ORANGE PYROTECHNICS.**

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

10 **"§14-410. Manufacture, sale and use of pyrotechnics prohibited; public exhibitions**  
11 **permitted; common carriers not affected.**

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

### 28 29 **PART 4. CHAPEL HILL-CARRBORO SCHOOL RECALL.**

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

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

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

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

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

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

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

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

43 If the 50- to 70-day time period during which an election is to be scheduled  
44 falls completely within the time period beginning on the first Monday in July and

1 ending on the last Monday in August, the recall election shall be postponed and shall be  
2 scheduled within 10 days after the last Monday in August, unless otherwise prohibited  
3 by general law, in which case said election shall be scheduled within 10 days after the  
4 last day of said period of time during which special elections are prohibited by general  
5 law.

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

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

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

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

26 \_\_\_For the recall of (name and title of official)

27 \_\_\_Against the recall of (name and title of official).

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

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

39 Sec. 6. (a) No recall petition shall be filed against an officer who has been subjected  
40 to a recall election, and not removed thereby, until at least one year after that election,  
41 and any such subsequent recall petition to be sufficient must bear the signatures of  
42 registered voters of the school administrative unit equal in number to at least twenty  
43 percent (20%) of the registered voters of the school administrative unit as shown by the

1 registration records of the last preceding general school administrative unit election, and  
2 shall comply with all other requirements of this part.

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

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