

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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HOUSE BILL 682
Committee Substitute Favorable 5/3/95

Short Title: Orange Omnibus.

(Local)

Sponsors:

Referred to:

March 30, 1995

1 A BILL TO BE ENTITLED
2 AN ACT MAKING FURTHER SUNDRY AMENDMENTS CONCERNING LOCAL
3 GOVERNMENTS IN ORANGE COUNTY.

4 The General Assembly of North Carolina enacts:

5 PART 1. ORANGE COUNTY
6 NOTICE OF ZONING REGULATION

7 Section 1. (a) G.S. 153A-343(b) reads as rewritten:

8 "(b) The first class mail notice required under subsection (a) of this section shall not
9 be required in the following situations:

- 10 (1) The total rezoning of all property within the boundaries of a county or a
11 zoning area as defined in G.S. 153A-342 unless rezoning involves
12 zoning of parcels of land to less intense or more restrictive uses. If
13 rezoning involves zoning of parcels of land to less intense or more
14 restrictive uses, notification to owners of these parcels shall be made by
15 mail in accordance with subsection (a) of this section;
- 16 (2) The zoning is an initial zoning of the entire zoning jurisdiction area;
- 17 (3) The zoning reclassification action directly affects more than 50
18 properties, owned by a total of at least 50 different property owners;
- 19 (4) The reclassification is an amendment to the zoning text; or

1 (5) The county is adopting a water supply watershed protection program as
2 required by G.S. 143-214.5.

3 In any case where this subsection eliminates the notice required by subsection (a) of this
4 section, a county shall publish once a week for four successive calendar weeks in a
5 newspaper having general circulation in the area maps showing the boundaries of the area
6 affected by the proposed ordinance or amendment. The map shall not be less than one-
7 half of a newspaper page in size. The notice shall only be effective for property owners
8 who reside in the area of general circulation of the newspaper which publishes the notice.
9 Property owners who reside outside of the county's jurisdiction or outside of the
10 newspaper circulation area, according to the address listed on the most recent property
11 tax listing for the affected property, shall be notified by mail pursuant to this section. In
12 any case where this subsection eliminates the notice required by subsection (a) of this
13 section, a county need not publish once a week for four successive weeks the area maps
14 required in this subsection if the procedures adopted pursuant to subsection (a) of this
15 section provide for the first class mail notice required in subsection (a) of this section in
16 all cases, including those for which first class mail is not required under this subsection.
17 The person or persons mailing the notices shall certify to the board of commissioners that
18 fact, and the certificates shall be deemed conclusive in the absence of fraud. In addition
19 to the published notice, a county shall post one or more prominent signs immediately
20 adjacent to the subject area reasonably calculated to give public notice of the proposed
21 rezoning."

22 (b) This section applies to Orange County only.

23 ENFORCE ORDINANCES BY ALTERNATIVE REMEDIES

24 Sec. 2. (a) G.S. 153A-123(f) reads as rewritten:

25 "(f) Subject to the express terms of the ordinance, a county ordinance may be
26 enforced by any one or more of the remedies authorized by this section. Each of these
27 remedies may be pursued by a county alternatively, in the same action or in independent
28 actions against an ordinance violator. It is not a defense to an action by a county to
29 enforce an ordinance by one of the remedies authorized by this section that there is a
30 separate action pending or completed involving the same subject matter and one or more
31 of the same parties so long as a subsequent action pursuing an alternative remedy
32 involves a different incident that is a violation of the ordinance from the incident or
33 incidents that is or that are the violation alleged in the pending or completed action."

34 (b) This section applies to Orange County only.

35 PART 2. TOWN OF CHAPEL HILL 36 POSSESSION OF ALCOHOL

37 Sec. 3. (a) G.S. 18B-300(c) reads as rewritten:

38 "(c) Local Ordinance. – A city or county may by ~~ordinance regulate ordinance:~~

39 (1) Regulate the consumption of malt beverages and unfortified wine on the
40 public streets in that city or county and on property owned or occupied
41 by that city or ~~county~~-county;

1 (2) Regulate or prohibit the possession of open containers of malt beverages
2 and unfortified wine on public streets in that city or county and on
3 property owned or occupied by that city or county; and

4 (3) Regulate or prohibit the possession of malt beverages and unfortified
5 wine on public streets, alleys, or parking lots which are temporarily
6 closed to regular traffic for street fairs or other special events."

7 (b) This section applies only to the Town of Chapel Hill.

8 **FILLING OF CERTAIN VACANCIES**

9 Sec. 4. Section 2.4(2) (Section 2.3(2) under local revision pursuant to G.S.
10 160A-496) of the Charter of the Town of Chapel Hill, being Chapter 473, Session Laws
11 of 1975, as amended by Section 1(2), Chapter 693, Session Laws of 1979, and as
12 rewritten by Chapter 1107 of the Session Laws of 1979 reads as rewritten:

13 "(2) A vacancy occurring on the council, which occurs during the period
14 beginning with the first day of the four year term of office and ending
15 ~~on the fortieth day prior to the next regular biennial town election three days~~
16 before the end of the filing period for that office as provided by the
17 General Statutes shall be filled by appointment of the town council only
18 until the next general municipal election at which time a member shall
19 be elected to the remainder of said unexpired term. The candidate
20 receiving the fifth highest number of votes (and if necessary the 6th, 7th
21 and 8th highest number) following those elected for full four-year terms,
22 shall be declared elected for the remainder of the unexpired term. A
23 vacancy occurring on the council, which occurs at any other time shall
24 be filled by appointment of the town council for the remainder of the
25 unexpired term."

26 **PART 3. TOWN OF CARRBORO**

27 **WAIVER OF PERFORMANCE BOND**

28 Sec. 5. The Charter of the Town of Carrboro, being Chapter 476 of the Session
29 Laws of 1987, is amended by adding a new section to read:

30 "Section 3-5. Performance and Payment Bonds for Construction Contracts.

31 G.S. 44A-26(a) does not apply to the Town of Carrboro to the extent that it requires
32 performance and payment bonds for construction contracts in excess of fifteen thousand
33 dollars (\$15,000). However, the Town shall be bound by the provisions of G.S. 143-129
34 relating to performance and payment bonds or equivalent security for construction
35 contracts, and the Town may require such bonds or equivalent security for construction
36 contracts of any amount."

37 Sec. 6. This act is effective upon ratification.