

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009**

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**HOUSE BILL 701**

**Senate State and Local Government Committee Substitute Adopted 6/3/09**

Short Title: Avery Tax Coll. Appointive/Moore Pyrotechnics.

(Local)

Sponsors:

Referred to:

March 23, 2009

A BILL TO BE ENTITLED

AN ACT TO MAKE THE OFFICE OF TAX COLLECTOR IN AVERY COUNTY APPOINTIVE RATHER THAN ELECTIVE; AND TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS FOR MOORE COUNTY TO DELEGATE THE AUTHORITY TO ISSUE PYROTECHNICS PERMITS TO THE COUNTY FIRE MARSHAL.

The General Assembly of North Carolina enacts:

**SECTION 1.** Effective upon the earlier of (i) the end of the current term of office in 2012 or (ii) the occurrence of a vacancy in that office, the office of tax collector of Avery County shall no longer be elective, but shall be appointed by the Avery County Board of Commissioners in accordance with G.S. 105-349.

**SECTION 2.** The appointive tax collector of Avery County shall serve a two-year term beginning July 1 of each odd-numbered year. The initial appointed tax collector shall serve a term to expire July 1, 2013, except that if a vacancy occurs prior to July 1, 2011, the Avery County Board of Commissioners may appoint a tax collector to serve until July 1, 2011, and a successor to serve until July 1, 2013, or may instead appoint the initial appointive tax collector to serve until July 1, 2013.

**SECTION 3.** G.S. 14-410(a) reads as rewritten:

"(a) It shall be unlawful for any individual, firm, partnership or corporation to manufacture, purchase, sell, deal in, transport, possess, receive, advertise, use or cause to be discharged any pyrotechnics of any description whatsoever within the State of North Carolina: provided, however, that it shall be permissible for pyrotechnics to be exhibited, used or discharged at concerts or public exhibitions, such as fairs, carnivals, shows of all descriptions and public celebrations: provided, further, that the use of said pyrotechnics in connection with concerts or public exhibitions, such as fairs, carnivals, shows of all descriptions and public celebrations, shall be under supervision of experts who have previously secured written authority from the board of county commissioners of the county, the county fire marshal, if such authority has been delegated pursuant to G.S. 14-413(a), or the city if authorized under G.S. 14-413(a1), in which said pyrotechnics are to be exhibited, used or discharged. Written authority from the board of ~~commissioners~~ commissioners, the county fire marshal, or city is not required, however, for a concert or public exhibition authorized by The University of North Carolina or the University of North Carolina at Chapel Hill and conducted on lands or buildings in Orange County owned by The University of North Carolina or the University of North Carolina at Chapel Hill, but such exhibition, use, or discharge of pyrotechnics shall be under supervision of experts who have previously secured written authority from The University of North Carolina or the University of North Carolina at Chapel Hill. Notwithstanding any provision of this section, it shall not be unlawful for a common carrier to



1 receive, transport, and deliver pyrotechnics in the regular course of its business. The  
2 requirements of G.S. 14-413(b) and G.S. 14-413(c) apply to this section."

3 **SECTION 4.** G.S. 14-413(a) reads as rewritten:

4 "(a) For the purpose of enforcing the provisions of this Article, the board of county  
5 commissioners of any county, or the governing board of a city authorized pursuant to  
6 subsection (a1) of this section, may issue permits for use in connection with the conduct of  
7 concerts or public exhibitions, such as fairs, carnivals, shows of all descriptions and public  
8 celebrations, but only after satisfactory evidence is produced to the effect that said pyrotechnics  
9 will be used for the aforementioned purposes and none other. The board of county  
10 commissioners may delegate its authority under this article to issue permits for pyrotechnical  
11 displays to the county fire marshal. Provided that no such permit shall be required for a public  
12 exhibition authorized by The University of North Carolina or the University of North Carolina  
13 at Chapel Hill and conducted on lands or buildings in Orange County owned by The University  
14 of North Carolina or the University of North Carolina at Chapel Hill."

15 **SECTION 5.** Sections 3 and 4 of this act shall apply to Moore County only.

16 **SECTION 6** This act is effective when it becomes law.