

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S

1

SENATE BILL 723*

Short Title: Chapel Hill Omnibus Act.

(Local)

Sponsors: Senators Kinnaird and Lee.

Referred to: State and Local Government.

April 1, 1999

A BILL TO BE ENTITLED

1 AN ACT MAKING OMNIBUS AMENDMENTS CONCERNING THE TOWN OF
2 CHAPEL HILL.

3 The General Assembly of North Carolina enacts:

4 Section 1. Chapter II of the Charter of the Town of Chapel Hill, being Chapter
5 473 of the 1975 Session Laws, as amended, is amended by adding the following new
6 sections to read:

7 "Sec. 2.6. Disclosure of contributors.

8 (a) The Town Council may by ordinance require the disclosure by candidates (and
9 their political committees) for elective town office of the names of all contributors to
10 their campaign. The ordinance may exempt from disclosure contributions below a
11 monetary amount set in the ordinance.

12 (b) The ordinance shall apply regardless of the total amount of contributions,
13 loans, or expenditures by the campaign.

14 (c) G.S. 163-278.10A does not apply to municipal elections in the Town of Chapel
15 Hill.

16 "Sec. 2.7. Limitation on contributions.

17 Except as provided by G.S. 163-278.13(c), the Town Council may by ordinance limit
18 the amount of contributions which any individual, person, or political committee may
19

1 contribute to any candidate for town office or to any political committee of that
2 candidate.

3 "Sec. 2.8. Definitions. The definitions in Article 22A of Chapter 163 of the General
4 Statutes apply to Sections 2.6 and 2.7 of this Charter."

5 Section 2. Article 2 of Chapter V of the Charter of the Town of Chapel Hill,
6 being Chapter 473 of the 1975 Session Laws, as amended, is amended by adding the
7 following new section to read:

8 "Sec. 5.19. Ordinances requiring provision of housing for persons of low and
9 moderate income.

10 (a) Subject to the provision of subsection (b) of this section, for the purpose of
11 increasing the availability of housing for persons of low and moderate income and
12 thereby promoting the public health, safety, and welfare, the Town of Chapel Hill may
13 enact ordinances which may require that subdividers of residentially zoned land and
14 developers of housing within the Town and its extraterritorial planning jurisdiction:

15 (1) Construct up to but no more than twenty-five percent (25%) of the total
16 dwelling units of a housing development for persons of low or moderate
17 income; or

18 (2) Construct up to but no more than ten percent (10%) of the total units of
19 housing development for lower income persons; or

20 (3) Dedicate land in the immediate area of the subdivision or development
21 for use by the Town for housing for persons of low and moderate
22 income, or provide funds to the Town whereby the Town may acquire
23 other lands or areas for the purpose of providing additional housing; or

24 (4) Provide housing opportunities for persons of low and moderate income.
25 Any formula enacted to determine the amount of funds that are to be
26 provided under this subsection shall be based on the value of the
27 development or subdivision for property tax purposes.

28 (b) The authority of subsection (a) of this section may only be exercised when a
29 proposed development or subdivision contains at least 10 dwelling units or is at least 10
30 acres in size, or both.

31 (c) The Town may exercise the authority granted in subsection (a) of this section
32 only if the Town either grants a density bonus or provides other incentives of equivalent
33 financial value to a developer required to provide low- or moderate-income housing."

34 Section 3. Chapter V of the Charter of the Town of Chapel Hill, being Chapter
35 473 of the 1975 Session Laws, as amended, is amended by adding the following new
36 Articles to read:

37 **"ARTICLE 9. ADEQUATE PUBLIC FACILITIES.**

38 "Sec. 5.50. Adequate public facilities ordinance authorized.

39 For the purpose of protecting against scattered or premature development of land that
40 would threaten the public health, safety, and welfare due to lack of adequate water
41 supply, sewerage, stormwater drainage, traffic circulation, mass transit, solid waste, open
42 space, parks, schools, fire protection, or any other public facilities or services; for the
43 purpose of preventing the excessive, inefficient, and uncoordinated expenditure of public

1 funds for the supply of such facilities or services; and for the purpose of promoting the
2 health, safety, and general welfare of the community, the Town of Chapel Hill may
3 exercise the following powers:

- 4 (1) To adopt ordinances to assure that public facilities or services
5 (including, but not limited to, streets and roads, sidewalks, traffic
6 control devices, water and sewer lines, and schools) are available at an
7 adequate level of service to serve proposed development.
- 8 (2) To condition development application approvals upon the applicant's
9 provision of transportation management programs which address the
10 traffic and transportation impacts of the new development, which
11 programs may include, but are not limited to, requirements for
12 improvements to public transportation facilities impacted by the
13 proposed development or payments in lieu of improvements.
- 14 (3) To adopt ordinances to require existing development to address the
15 impact on the health, safety, and general welfare of the community, of
16 traffic generated or promoted by that development, including the
17 authority to require implementation of transportation management plans
18 and other steps to ensure implementation of an appropriate
19 transportation management program by existing development.

20 **"ARTICLE 10. REGULATION OF OPEN BURNING.**

21 "Sec. 5.51. After conducting a public hearing, the Town may adopt ordinances to
22 regulate and prohibit the open burning of trees, limbs, stumps, and construction debris
23 within the Town or the Town's extraterritorial jurisdiction.

24 The Town may, as a condition of approval for any permit for a subdivision, clearing
25 and development of land, or construction of buildings within the Town or the Town's
26 extraterritorial jurisdiction, regulate and prohibit the open burning of trees, limbs, stumps,
27 and construction debris associated with the permitted activity."

28 Section 4.(a) G.S. 163-47(a) reads as rewritten:

29 "(a) The chief judges and judges of election shall conduct the primaries and
30 elections within their respective precincts fairly and impartially, and they shall enforce
31 peace and good order in and about the place of registration and voting. On the day of
32 each primary and general and special election, the precinct chief judge and judges shall
33 remain at the voting place from the time fixed by law for the commencement of their
34 duties there until they have completed all those duties, and they shall not separate nor
35 shall any one of them leave the voting place except for unavoidable necessity.
36 Notwithstanding the requirement in the previous sentence, the county board of elections
37 may allow judges of election to serve for half-day shifts."

38 Section 4.(b) This act applies to Orange County only.

39 Section 5. This act is effective when it becomes law.