

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2005

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**HOUSE BILL 328**  
**Committee Substitute Favorable 3/2/05**  
**Committee Substitute #2 Favorable 5/31/05**  
**Committee Substitute #3 Favorable 6/1/05**

Short Title: Omnibus Local Laws.

(Local)

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Sponsors:

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Referred to:

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February 22, 2005

A BILL TO BE ENTITLED

1 AN ACT TO ADD THE CITY OF ALBEMARLE AND THE TOWNS OF  
2 BEAUFORT AND SOUTHERN SHORES TO THE MUNICIPALITIES IN  
3 WHICH LAW ENFORCEMENT OFFICERS MAY OPERATE UNREGISTERED  
4 ALL-TERRAIN VEHICLES ON HIGHWAYS WITH SPEED LIMITS OF  
5 THIRTY-FIVE MILES PER HOUR OR LESS AND THE TOWNS OF DUCK,  
6 KILL DEVIL HILLS, KITTY HAWK, AND NAGS HEAD TO THE  
7 MUNICIPALITIES IN WHICH LAW ENFORCEMENT OFFICERS AND  
8 MUNICIPAL EMPLOYEES MAY OPERATE UNREGISTERED ALL-TERRAIN  
9 VEHICLES ON HIGHWAYS WITH SPEED LIMITS OF THIRTY-FIVE MILES  
10 PER HOUR OR LESS, TO ALLOW THE TOWN OF ST. JAMES TO EXERCISE  
11 PLANNING JURISDICTION WITHIN THE CORPORATE LIMITS IN 2005 AND  
12 TO ALLOW EXTRATERRITORIAL PLANNING JURISDICTION IN 2010, TO  
13 EXEMPT THE TOWN OF LELAND FROM THE REQUIREMENT THAT AN  
14 ABC STORE IN BRUNSWICK COUNTY BE LOCATED NO CLOSER THAN  
15 SEVEN MILES FROM A MUNICIPALITY WITH AN EXISTING ABC STORE,  
16 TO ADD WASHINGTON COUNTY TO THE COUNTIES IN WHICH IT IS  
17 ILLEGAL TO REMOVE OR DESTROY AN ELECTRONIC DOG COLLAR,  
18 AND TO AUTHORIZE THE TOWN OF MATTHEWS TO ADOPT AND ENACT  
19 ORDINANCES REGULATING THE REMOVAL, REPLACEMENT, AND  
20 PRESERVATION OF TREES WITHIN THAT TOWN.

21 The General Assembly of North Carolina enacts:

22 **SECTION 1.** Section 3 of S.L. 2004-108 reads as rewritten:

23 **"SECTION 3.** Section 1 of this act applies to the City of Albemarle and the Towns  
24 ~~Town of~~ Beaufort, Southern Shores, and Mint Hill only. Section 2 of this act applies to  
25 the Towns of Duck, Kill Devil Hills, Kitty Hawk, Nags Head, and the City of Kings  
26 Mountain only."  
27

1           **SECTION 2.** Section 7.2 of the Charter of the Town of St. James, being S.L.  
2 1999-241, reads as rewritten:

3           "Section 7.2. **Planning and Regulation of Development.**

4           Notwithstanding any other provisions of this Charter or the provisions of general  
5 law, including the provisions of Article 19 of Chapter 160A of the General Statutes, the  
6 Town shall not, prior to ~~December 31, 2009,~~ October 1, 2005, adopt any ordinance  
7 creating a planning agency, regulating or restricting the subdivision, zoning, or use of  
8 any land, or providing for building inspections. During such time, and until the  
9 ordinances adopted by the Town become effective, all planning duties, regulation of  
10 development, and building inspections within the jurisdiction of the Town shall be  
11 conducted by Brunswick County and governed by the applicable ordinances of  
12 Brunswick County as if the area was not in the corporate limits of any municipality.  
13 Provided further, the Town may not make any such ordinances effective outside the  
14 corporate limits of the Town under G.S. 160A-360 or any other provision of law until  
15 January 1, 2010. As of December 31, 2009, either the Town or Brunswick County may  
16 terminate such powers of Brunswick County within the jurisdiction of the Town upon  
17 60 days' notice whereupon the Town may adopt subdivision and zoning ordinances and  
18 shall become responsible for building inspections in accordance with general law."

19           **SECTION 3.** Section 2 of Chapter 372 of the 1991 Session Laws, as  
20 amended by Chapter 776 of the 1991 Session Laws, reads as rewritten:

21           "Sec. 2. This act applies to Brunswick County ~~only~~ only, but does not apply to the  
22 Town of Leland."

23           **SECTION 4.** G.S. 14-401.17 reads as rewritten:

24 "**§ 14-401.17. Unlawful removal or destruction of electronic dog collars.**

25           (a) It is unlawful to intentionally remove or destroy an electronic collar or other  
26 electronic device placed on a dog by its owner to maintain control of the dog.

27           (b) A first conviction for a violation of this section is a Class 3 misdemeanor. A  
28 second or subsequent conviction for a violation of this section is a Class 2  
29 misdemeanor.

30           (c) This act is enforceable by officers of the Wildlife Resources Commission, by  
31 sheriffs and deputy sheriffs, and peace officers with general subject matter jurisdiction.

32           (d) This act applies only to Alamance, Anson, Avery, Beaufort, Brunswick,  
33 Buncombe, Burke, Caldwell, Camden, Caswell, Cherokee, Chowan, Clay, Columbus,  
34 Craven, Cumberland, Davidson, Graham, Haywood, Henderson, Hyde, Jackson,  
35 Macon, Madison, McDowell, Mecklenburg, Mitchell, New Hanover, Orange,  
36 Pasquotank, Pitt, Robeson, Rockingham, Swain, Transylvania, Union, Washington,  
37 Wilkes, and Yancey Counties."

38           **SECTION 5.** The Town of Matthews may adopt ordinances, only after  
39 holding public hearings, to regulate the removal of trees from public and private  
40 property within the town in order to preserve, protect, and enhance one of the most  
41 valuable natural resources of the community and to protect the health, safety, and  
42 welfare of its citizens.

1           **SECTION 6.** Sections 1 through 3 and Sections 5 through 6 of this act  
2 become effective when it becomes law. Section 4 of this act becomes effective October  
3 1, 2005, and applies to offenses occurring on or after that date.