

NORTH CAROLINA GENERAL ASSEMBLY
1971 SESSION

CHAPTER 474
SENATE BILL 619

AN ACT AMENDING ARTICLE 22 OF CHAPTER 106 RELATING TO THE INSPECTION
OF BAKERIES BY THE DEPARTMENT OF AGRICULTURE.

The General Assembly of North Carolina do enact:

Section 1. G.S. 106-227 is rewritten to read as follows:

"§ **106-227.** If it shall appear from examination that any provision of this Article or any rule or regulation of the Board of Agriculture has been violated, the Commissioner of Agriculture shall have authority to order the bakery or place closed until the law or regulation has been complied with. Upon refusal or failure of the owner or operator of any bakery to immediately close such bakery when so ordered by the Commissioner, the Commissioner may immediately apply to, and any regular, special or emergency superior court judge may, without notice, order such bakery closed until the law or regulation has been complied with; provided, that the owner or operator of such bakery may on written motion demand a hearing as to whether such order of closing shall remain in effect and such hearing shall be held within seven days of such written motion. At such hearing the superior court judge conducting such hearing may rescind, modify or affirm such order of closing.

In addition to the civil remedies provided herein, the Commissioner may also certify the facts to the solicitor of the district in which the violation occurred for criminal prosecution."

Sec. 2. G.S. 106-230 is rewritten as follows:

"§ **106-230.** Any person, firm or corporation who shall violate the provisions of this Article or any rule or regulation of the Board of Agriculture made under authority of this Article shall be guilty of a misdemeanor and shall be fined not in excess of one hundred dollars (\$100.00) or imprisoned for not in excess of 30 days, or both fined and imprisoned; provided however, that for a second or subsequent violation a fine not in excess of five hundred dollars (\$500.00) or imprisonment for not in excess of 90 days, or both, may be imposed by the court."

Sec. 3. This act shall be effective upon ratification.

In the General Assembly read three times and ratified, this the 1st day of June, 1971.