

NORTH CAROLINA GENERAL ASSEMBLY
1977 SESSION

CHAPTER 912
HOUSE BILL 1493

AN ACT TO AMEND PROVISIONS OF CHAPTER 160A OF THE GENERAL STATUTES
TO ELIMINATE INCONSISTENCIES, CLARIFY PROVISIONS, AND IMPROVE
ADMINISTRATIVE PROCEDURES.

The General Assembly of North Carolina enacts:

Section 1. Unless otherwise provided herein, all references in this act to sections included in Chapter 160A of the General Statutes refer to those sections as they appear in the 1976 Replacement Volume 3D of the General Statutes.

Sec. 2. G.S. 160A-360(f) is hereby amended in line 5 thereof by inserting immediately after the word "annexation" and before the words "or incorporation", the word and punctuation ", extension".

Sec. 3. Subsections (g), (h), (i), and (j) of G.S. 160A-360 are hereby renumbered as subsections (h), (i), (j), and (k), respectively.

Sec. 4. G.S. 160A-360 is hereby amended by adding a new subsection (g) immediately after subsection (f) to read as follows:

"(g) When a city relinquishes jurisdiction over an area that it is regulating under this Article to a county, the city regulations and powers of enforcement shall remain in effect until (i) the county has adopted this regulation or (ii) a period of 60 days has elapsed following the action by which the city relinquished jurisdiction, whichever is sooner. During this period the county may hold hearings and take other measures that may be required in order to adopt its regulations for the area."

Sec. 5. G.S. 160A-364 is hereby amended by adding at the end thereof the following sentence:

"Such period shall be computed in compliance with G.S. 1-594, and shall not be subject to Rule 6(a) of the Rules of Civil Procedure."

Sec. 6. Subdivision (1) of G.S. 160A-376 is hereby amended by deleting in line 1 the word "platted" and substituting therefor the words "subdivided and recorded".

Sec. 7. G.S. 160A-385 is hereby amended by adding at the end thereof the following sentence:

"The foregoing provisions concerning protests shall not be applicable to any amendment which initially zones property added to the territorial coverage of the ordinance as a result of annexation or otherwise."

Sec. 8. G.S. 160A-387 is hereby rewritten to read as follows:

"In order to exercise the powers conferred by this Part, a city council shall create or designate a planning agency under the provisions of this Article or of a special act of the General Assembly. The planning agency shall prepare a proposed zoning ordinance, including both the full text of such ordinance and maps showing proposed district boundaries. The planning agency may hold public hearings in the course of preparing the ordinance. Upon completion, the planning agency shall certify the ordinance to the city council. The city council shall not hold its required public hearing or take action until it has received a certified ordinance from the planning agency. Following its required public hearing, the city council may refer the ordinance back to the planning agency for any further recommendations that the

agency may wish to make prior to final action by the city council in adopting, modifying and adopting, or rejecting the ordinance."

Sec. 9. G.S. 160A-388(a) is hereby amended by adding at the end of line 2, immediately after the word "five" the words "or more".

Sec. 10. G.S. 160A-388(a) is hereby amended by adding at the end thereof the following sentence:

"A city may designate a planning agency to perform the duties of a Board of Adjustment in addition to its other duties."

Sec. 11. G.S. 160A-388(b) is hereby amended by deleting the period at the end of the 5th sentence and adding the following:

"or that because the violation charged is transitory in nature a stay would seriously interfere with enforcement of the ordinance."

Sec. 12. G.S. 160A-388(e) is hereby amended by adding at the end of the subsection the following sentence:

"Any appeal to the superior court shall be taken within 30 days after the decision of the board is filed in such office as the ordinance specifies, or after a written copy thereof is delivered to the appellant by personal service or registered mail, whichever is later."

Sec. 13. G.S. 160A-429 is hereby amended by deleting the period at the end thereof and adding the following words and punctuation:

"; provided, that where the inspector finds that there is imminent danger to life or other property, he may order that corrective action be taken in such lesser period as may be feasible."

Sec. 14. G.S. 160A-445 is hereby amended by rewriting the second sentence thereof to read as follows:

"If the whereabouts of persons are unknown and cannot be ascertained by the public officer in the exercise of reasonable diligence, and the public officer makes an affidavit to that effect, then the serving of the complaint or order upon the persons may be made by publication in a newspaper having general circulation in the city at least once no later than the time at which personal service would be required under the provisions of this Part."

Sec. 15. This act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 1st day of July, 1977.