

NORTH CAROLINA GENERAL ASSEMBLY
1963 SESSION

CHAPTER 1058
HOUSE BILL 542

AN ACT TO AMEND ARTICLE 14 OF CHAPTER 160 OF THE GENERAL
STATUTES RELATING TO MUNICIPAL ZONING AUTHORITY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 160-173, as the same appears in the 1952 Recompiled Volume 3C of the General Statutes, is hereby amended by changing the colon appearing in line 7 thereof to a period and striking out all the words appearing thereafter in said Section.

Sec. 2. Article 14 of Chapter 160 of the General Statutes is hereby amended by adding a new Section to be designated as G. S. 160-176.1 and to read as follows:

"G. S. 160-176.1. Protest Petition; Form; Requirements; Time for Filing. No protest against any change or amendment in a zoning ordinance or zoning map shall be valid or effective for the purposes of G. S. 160-176 unless it be in the form of a written petition actually bearing the signatures of the requisite number of property owners and stating that the signers do protest the proposed change or amendment, and unless it shall have been received by the municipal clerk in sufficient time to allow the municipality at least two normal work days, excluding Saturdays, Sundays, and legal holidays, prior to the date established for a public hearing on the proposed change or amendment to determine the sufficiency and accuracy of the petition. The governing body of any municipality may by ordinance require that all protest petitions be on a form prescribed and furnished by the municipality, and such form may prescribe any reasonable information deemed necessary to permit the municipality to determine the sufficiency and accuracy of the petition."

Sec. 3. G. S. 160-178 is hereby amended by adding at the end thereof the following:

"The Chairman of the Board of Adjustment is authorized in his official capacity to administer oaths to witnesses in any matter coming before the board. Any member of the board while temporarily acting as Chairman shall have and may exercise like authority."

Sec. 4. Section 1 of this Act shall not apply to the Counties of Ashe, Chatham, Cumberland, Davidson, Gaston, Iredell, Lee, Macon, Pender, Vance, Warren, Washington and Watauga.

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall become effective on January 15, 1964 but shall not apply to any written application made prior to such date nor to litigation pending on such date.

In the General Assembly read three times and ratified, this the 20th day of June, 1963.