

1947 Legislative Summary

General Assembly of North Carolina

Prepared by the
INSTITUTE OF GOVERNMENT
THE UNIVERSITY OF NORTH CAROLINA
Chapel Hill

POPULAR GOVERNMENT is published monthly by the Institute of Government, The University of North Carolina, Chapel Hill. Editor: Albert Coates; Managing Editor: W. M. Cochrane; Business Manager: L. W. Allen; Associate Editors: Peyton B. Abbott, Samuel R. Leager, Henry W. Lewis, Clifford Pace, Terry Sanford, David H. Scott. Editorial, business and advertising address: Box 990, Chapel Hill, N. C. Subscription: Per year, \$2.00; single copy, 25 cents. Advertising rates furnished on request. Entered as second class matter at the Post Office in Chapel Hill, N. C. Copyright, 1947, by the Institute of Government. All rights reserved.

or other reason, must be filled, in the case of ex officio members, by appointment of the State Board of Health from the officials of the county of the member causing the vacancy, and in the case of public members, by election by the district board at its next regular meeting. The same Act also makes provision for county boards of health. It adds a provision to G. S. 130-18 providing that vacancies in membership of public members of a county board of health must be filled by the board itself at its next regular meeting.

County Boards of Public Welfare

Prior to the 1947 General Assembly G. S. 108-12 provided that members of county boards of public welfare might be "reimbursed for expenses incurred in the attendance at official meetings." Under Chapter 92 (SB 20) this provision was changed to provide that, effective July 1, 1947, the county commissioners, in their discretion, may provide for the payment to welfare board members of a per diem not to exceed \$5 per day and actual expenses when attending official meetings. The Act also validates such per diem and expense payments heretofore made.

CHANGES AFFECTING CITIES AND TOWNS

Extension of Corporate Limits

Chapter 725 (HB 592) is designed to make it unnecessary for a municipality to have a special act passed by the General Assembly when it desires to extend its corporate limits. The Act sets out an extension procedure which may be employed by any municipality in the State except those for which a different method has been provided by Public-Local or Private Act and except those in Dare and New Hanover counties. The governing body of the municipality must first give public notice describing by metes and bounds the territory it seeks to annex, thus notifying the property owners concerned, and stating that a session of the governing body will be held for the purpose of considering the annexation. After this notice has been given in the manner prescribed by the Act, the governing body is authorized to adopt an ordinance extending its corporate limits by annexing the described land unless it lies within the limits of some other municipality. If at the meeting to consider the annexation, however, a petition has been filed and signed by at least 15 per cent of the qualified voters residing in the area to be annexed requesting a referendum, then before passing the ordinance, the governing body must submit the question of annexation to a vote of the qualified voters of the area proposed to be annexed. In its discretion, the governing body may also submit the question to the residents of the municipality voting separately. Even if no such petition is received, the governing body may call a referendum on the question of annexation on its own motion. It is required to call a referendum within the municipality if 15 per cent of the qualified voters residing in the municipality who "actively participated in the last gubernatorial election" file a petition to that effect. Upon receiving a sufficient petition, or on its own motion, the local governing body must determine whether or not the election will be conducted solely in the area to be annexed or "simultaneously with the qualified voters of the municipality." It must then order the county board of elections to call the election, and the county board of elections must proceed to hold the election within 60 days after receiving this order. The Act contains specific instructions for the elections board in such cases which include ordering a special registration of voters in the territory proposed to be

annexed. Costs of the election must be paid by the municipality. If a majority of the votes cast from the area proposed for annexation are for extension and, if an election is also held in the municipality, the majority of the votes cast in the municipality are for extension, then from and after the date of the declaration of the results of the election the territory is annexed. The Act makes one limitation that should be observed: a municipality cannot under the Act, annex any territory in which there are fewer than 25 legal residents eligible to register and vote unless the owners of all the property proposed to be annexed sign a petition requesting the governing body to annex the territory. The territory annexed under this Act becomes subject to all the debts, laws, ordinances, and regulations in force in the municipality and becomes entitled to the same privileges and benefits as other parts of the municipality. It becomes subject to municipal taxes levied for the fiscal year following the date of annexation. Whenever a municipality extends its corporate limits under this Act, it becomes the duty of the mayor to have an accurate map of the annexed territory, together with a certified copy of the annexation ordinance and the election results, if any, recorded in the office of the register of deeds of the county or counties in which the annexed territory is situated, and also in the office of the Secretary of State. Municipal governing bodies are authorized to make the required surveys.

Parking Meters

Chapter 7 (HB 5) makes it possible for cities and towns, regardless of population, to provide for a system of parking meters designed to promote traffic regulations. This is accomplished by deleting the population requirement of subsection 31 of G. S. 160-200.

Zoning

Chapter 311 (SB 65) modifies the provisions of G. S. 160-178 concerning the appointment of municipal boards of adjustment to permit the municipal governing body in its discretion to appoint two alternate members of the board of adjustment to serve in the absence of any regular member. When serving, an alternate member will be able to exercise all the powers and will have all the duties of the regular member he replaces. The two alternate members must be appointed for the same terms as regular members, and must be appointed in the same manner and at the regular times for appointment, except that in the first instance of appointing alternates, the appointments must be for a term that will expire at the next time when the term of any regular member expires.

Municipal Recorders' Courts

Chapter 1021 (HB 899) amends G. S. 7-256 to permit the governing body of any municipality of more than 20,000 population as of January 1, 1945, to establish a municipal recorder's court without a vote of the people. This Act also amends G. S. 7-264 to include Alamance among those counties in the tenth judicial district to which the Act applies, the provisions of the particular article of Chapter 7 not being applicable to the following judicial districts: the tenth, except as to Granville, Orange and Alamance, the eleventh, the seventeenth, the eighteenth except as to Rutherford and Transylvania, the nineteenth, the twentieth except as to Cherokee, Jackson, Haywood, and Swain, nor does it apply to the counties of Chatham, Columbus, Johnston, New Hanover, and Robeson. Chapter 840 (HB 642) goes further and provides a procedure by which the governing body of any municipality not