

**15A NCAC 05H .0803 NOTICE OF PROCEEDING**

(a) Within five days after a petition is found complete by the Chair of the Commission, the Chair of the Commission shall serve a notice of proceeding on the petitioner and the governing board of each city and county in which the activities are proposed. The petitioner shall be a party to the proceeding and each governing board of each city may send written notice within 14 calendar days to request to be a party to the proceeding.

(b) The notice of proceeding shall contain:

- (1) a statement that a complete petition has been received;
- (2) a statement that a public hearing on the petition will be held on a specific date and at a specific place in accordance with G.S. 113-415.1;
- (3) a request that within 30 days of receipt, the city or county that adopted the ordinance respond to the petition. The response shall include all information within its possession regarding the factors in G.S. 113-415.1 and any other information as to why this ordinance should not be preempted;
- (4) the name of the proceeding and the date of filing;
- (5) the address and telephone number of the Division;
- (6) a citation to the relevant statutes or rules involved;
- (7) a statement of the factual allegations or issues to be determined;
- (8) a brief description of the procedure to be followed at the hearing in accordance with Rule .0805 of this Section;
- (9) a statement of how interested persons may participate in the hearing and where additional information can be obtained; and
- (10) the date and time for the presentation of evidence to the Commission.

*History Note:* Authority G.S. 113-415.1; 150B, Article 3;  
Eff. March 17, 2015.