

GENERAL ASSEMBLY OF NORTH CAROLINA  
1987 SESSION

CHAPTER 476  
HOUSE BILL 668

AN ACT TO REWRITE THE CHARTER OF THE TOWN OF CARRBORO.

The General Assembly of North Carolina enacts:

Section 1. The Charter of the Town of Carrboro is rewritten to read:

"Article 1. Incorporation, Boundaries, General Powers

**Section 1-1. Incorporation and Powers.** The Town of Carrboro, heretofore incorporated by the General Assembly, shall continue to operate as a body politic and corporate under the name and style of the 'Town of Carrboro.' Under that name, the town and its officers and employees shall have all of the powers, duties, rights, privileges, and immunities conferred and imposed on cities by the general law of North Carolina and by this charter.

**Section 1-2. Corporate Boundaries.** The corporate boundaries of the Town of Carrboro shall be those established by Chapter 660 of the Session Laws of 1969 and Chapter 71 of the Session Laws of 1975 as amended by annexations conducted since the effective dates of those acts. An official map of the current town boundaries shall be kept on file in the office of the town clerk.

"Article 2. Organization and Administration

**Section 2-1. Governing Body.** (a) The governing body of the Town of Carrboro shall consist of a mayor and six aldermen, elected as provided in Section 2-2. The governing body shall be known as the Board of Aldermen.

(b) A majority of the actual membership of the governing body, excluding vacant seats, shall constitute a quorum. Therefore, assuming no vacant seats or one vacant seat, a quorum shall consist of four aldermen or three aldermen plus the mayor.

(c) The mayor shall preside at all meetings of the governing body and shall have the right and responsibility to vote on all issues to the same extent as any other member of the board of aldermen.

(d) An affirmative vote equal to a majority of the members of the governing body not excused from voting on the issue, (i.e., assuming no member is excused, four aldermen or three aldermen plus the mayor) shall be required to adopt an ordinance, take any action having the effect of an ordinance, or make, ratify, or authorize any contract on behalf of the town. In addition, no ordinance nor any action having the effect of any ordinance may be finally adopted on the date on which it is introduced except by an affirmative vote equal to or greater than two thirds of all the actual membership of the governing body (excluding vacant seats) unless the board has first held a public hearing on the ordinance. Therefore, assuming no vacant seats, unless the governing body first holds a public hearing on an ordinance that ordinance may not be

adopted on the date it is introduced except by an affirmative vote of five aldermen or four aldermen plus the mayor. For purposes of this subsection, an ordinance shall be deemed to have been introduced on the date the subject matter is first voted on by the board. This subsection does not modify G.S. 159-17.

**Section 2-2. Election of Mayor and Aldermen.** (a) The mayor and the aldermen shall be elected by the voters of the entire town. The mayor shall be elected for a term of two years and the aldermen shall be elected for staggered terms of four years.

(b) The municipal elections in the Town of Carrboro shall be nonpartisan and decided by a simple plurality. No primary elections shall be held. The municipal elections shall be conducted pursuant to the applicable provisions of Chapter 163 of the North Carolina General Statutes, particularly Articles 23 and 24 thereof.

(c) In the municipal elections to be held in 1987, and every two years thereafter, the mayor shall be elected for a term of two years. In the 1987 election (and the municipal elections held every four years thereafter), three aldermen shall be elected to fill the seats of the aldermen whose terms expire in 1987 (and every four years thereafter). In the municipal elections to be held in 1989 (and every four years thereafter), three aldermen shall be elected to fill the seats of the aldermen whose terms expire in 1989 (and every four years thereafter).

(d) In the general municipal election the candidate receiving the highest number of votes for mayor shall be elected. The three candidates in such election receiving the highest number of votes for the office of alderman shall be elected for full four-year terms. If it is also necessary to elect one or more aldermen to fill the unexpired terms of one or more aldermen whose offices were vacated, the person receiving the fourth highest number of votes for aldermen (and, if necessary, the fifth and the sixth highest number of votes) shall be elected for the unexpired term or terms.

**Section 2-3. Special and Emergency Meetings of Governing Body.** (a) For purposes of this section, a 'special meeting' of the board of aldermen means any meeting not held at the board's regular time and place, other than an emergency meeting or a recessed or adjourned session of a regular or special meeting. An 'emergency meeting' means a meeting generally called because of unexpected circumstances that require immediate attention such that it is not possible or practicable or prudent to provide the 48 hours advance notice required for special meetings.

(b) A special or emergency meeting may be called by resolution of the board. The mayor, mayor pro tempore, or any two aldermen may also call a special or emergency meeting by signing a written notice stating the time and place of the meeting. Such notice of a special meeting shall be delivered to the mayor and each alderman or left at his usual dwelling place at least 48 hours before the meeting. Such notice of an emergency meeting shall be delivered to the mayor and each alderman or left at his usual dwelling place as soon as reasonably possible after such meeting is called. The town clerk shall also attempt to notify each member of the governing body by telephone as soon as reasonably possible after an emergency meeting is called.

(c) At a special meeting, the board may consider any subject or take any action that could be considered or taken at a regular meeting, unless some provision of general

law specifically requires that a matter be considered or action taken only at a regular meeting. At an emergency meeting, only business connected with the emergency may be considered.

**Section 2-4. Manager, Clerk, Attorney Appointed by Board.** The board of aldermen shall appoint a manager, clerk, and attorney, all of whom shall serve at the pleasure of the board.

**Section 2-5. Council-Manager Form of Government.** The Town of Carrboro shall operate under the council-manager form of government.

"Article 3. Finance, Taxation, Contract

**Section 3-1. Privilege License Tax.** The town may levy privilege license taxes on all trades, occupations, professions, businesses, and franchises carried on within the town unless such trade, occupation, profession, business, or franchise has been completely exempted from municipal privilege license taxes under State law.

**Section 3-2. Referendum on Property Tax Levy.** As provided in G.S. 160A-209(e), with an approving vote of the people the town may levy property taxes for any purpose for which the town is authorized by this charter or general law to appropriate money. In addition, in calling a referendum on the approval of a property tax levy, the board of aldermen shall not be subject to the limitation set forth in G.S. 160A-209(e) that such a referendum may not be held on the day of any federal, State, district, or county election already validly called at the time the tax referendum is called.

**Section 3-3. Execution of Contracts.** Properly authorized contracts, deeds, or other instruments shall generally be executed on behalf of the town by the town manager and attested by the town clerk. The board of aldermen may by ordinance authorize other officials (such as an assistant town manager or deputy clerk) to execute or attest such documents in the absence of the clerk and may, by resolution, authorize other officials (such as the mayor or mayor pro tempore) to execute specific documents.

"Article 4. Town Property

**Section 4-1. Sale and Disposition of Property.** (a) Notwithstanding the provisions of Articles 12 and 22 of G.S. 160A or any other provision of law, the Town of Carrboro, may in selling property acquired within a redevelopment area or a community development area, reject the highest responsible bid and accept a lesser bid when the board of aldermen finds in a resolution authorizing the sale that:

- (1) The proposed use or development of the land under the bid proposed for acceptance will result in an assessed valuation for ad valorem taxation greater than that of the use or uses proposed by the higher bidders; or
- (2) The proposed use or development of the land under the bid proposed for acceptance will have a substantially greater beneficial effect upon neighboring property, the redevelopment or community development area, or the community as a whole than the use or uses proposed by the higher bidders, or will tend to induce greater investment in the development of other property in the area; or
- (3) The proposed use or development of the land under the bid proposed for acceptance will facilitate the relocation of persons or firms

displaced by redevelopment or community development projects to a substantially greater degree than the use or uses proposed by the higher bidders.

(b) Whenever in opening, extending or widening any street, avenue, alley or public place of the town a small parcel or tract of land is cut off or separated by such work from a larger tract of land owned by the town, the board of aldermen may authorize the town manager to execute and deliver in the name of the town a deed conveying the separated parcel or tract of land to an abutting or adjoining property owner or owners in exchange for rights-of-way for the street, avenue, alley or public place or in settlement of any alleged damages sustained by the abutting or adjoining property owner. All deeds and conveyances heretofore or hereafter so executed and delivered shall convey all title and interest the town has in such property notwithstanding no public sale after advertisement was, or is hereafter, made.

**Section 4-2. Trespassing on Town Property.** The town may, by ordinance, make it a misdemeanor for any person to refuse to vacate any land, building, or facility owned, leased, or otherwise occupied, used or under the possession of the town, when directed to do so by an order of the town manager, any police officer, or the town administrative official or employee in charge of such land.

"Article 5. Special Assessments

**Section 5-1. Street Improvements Special Assessments.** (a) Under the circumstances specified in subsection (b), the board of aldermen may levy special assessments for street and sidewalk improvements without regard for the petition requirements of G.S. 160A-217. However, except as modified expressly or by necessary implication by this section, all of the other provisions of Article 10 of Chapter 160A (including the preliminary resolution notice and hearing requirements) shall be applicable to assessments made without a petition.

(b) The board of aldermen may exercise the authority granted in subsection (a) with respect to the following types of streets located within the town:

- (1) Unpaved streets that connect two paved streets;
- (2) Unpaved extensions of streets that are partially paved; and
- (3) Unpaved streets where the board receives a petition for the improvements signed by at least a majority in number of the owners of property to be assessed who reside on that street, who must represent at least a majority of all the lineal feet of frontage on the street to be improved that is owned by persons who reside on that street.

(c) Whenever the authority granted in subsection (a) is used, the board of aldermen shall assess to abutting property owners the same percentage of the cost of the project that, by formally adopted town policy, would be assessed if the project were undertaken pursuant to the procedures set forth in G.S. 160A-217.

**Section 5-2. Sidewalk Improvements Assessment in Business Areas.** (a) With respect to the streets specified in subsection (b), the board of aldermen may levy special assessments for sidewalk improvements without regard for the petition requirements of G.S. 160A-217. However, except as modified expressly or by necessary implication by this section, all of the other provisions of Article 10 of Chapter

160A (including the preliminary resolution notice and hearing requirements) shall be applicable to assessments made without a petition.

(b) The board of aldermen may exercise the authority granted in subsection (a) with respect to those portions of the following streets that are located within the town's business or industrial zoning districts: Main Street, Weaver Street, Greensboro Street and Merritt Mill Road.

(c) Whenever the authority granted in subsection (a) is used, the board of aldermen shall assess to abutting property owners the same percentage of the cost of the project that, by formally adopted town policy, would be assessed if the project were undertaken pursuant to the procedures set forth in G.S. 160A-217.

**Section 5-3. Assessments for Lateral Utility Connections When Streets Improved.** Whenever the town undertakes a street improvement special assessment project, it may in the course of that project install lateral connections from utility lines lying underneath the street to adjacent undeveloped properties and may add the cost of such lateral connections to the assessment otherwise determined for the properties so improved.

## "Article 6. Capital Facilities Fees

### "Part 1. Impact Fees

**Section 6-1. Impact Fees Authorized.** (a) The board of aldermen may provide by ordinance for a system of impact fees to be paid by developers to help defray the costs to the town of constructing certain capital improvements, the need for which is created in substantial part by the new development that takes place within the town and its extraterritorial planning area.

(b) For purposes of this part, the term capital improvements includes capital improvements to public streets, bridges, sidewalks, and on and off street surface water drainage ditches, pipes, culverts, and other drainage facilities.

(c) An ordinance adopted under this part may be made applicable to all development that occurs within the town and its extraterritorial planning area, as established by local act or pursuant to the procedures set forth in G.S. 160A-360.

(d) The town may, with the approval of the Orange County Board of Commissioners, construct capital improvements outside the town limits but within the town's extraterritorial planning area and may cooperate with the State in the construction of capital improvements to State highway system streets within this area as well as within the town.

**Section 6-2. Amount of Fees.** (a) In establishing the amount of any impact fee, the town shall endeavor to approach the objective of having every development contribute to a capital improvements fund an amount of revenue that bears a reasonable relationship to that development's fair share of the costs of the capital improvements that are needed in part because of that development. In fulfilling this objective the Board of Aldermen shall, among other steps and actions:

- (1) Estimate the total cost of improvements by category (e.g., streets, sidewalks, drainage ways, etc.) that will be needed to provide in a reasonable manner for the public health, safety and welfare of persons residing within the town and its extraterritorial planning area during a

reasonable planning period not to exceed 20 years and that, consistent with the objectives set forth herein, ought to be paid for at least in part by impact fees. The Board may divide the town and its extraterritorial area into two or more districts and estimate the costs of needed improvements within each district. These estimates shall be periodically reviewed and updated, and the planning period used may be changed from time to time.

- (2) Establish a percentage of the total costs of each category of improvement that, in keeping with the objective set forth above, should fairly be borne by those paying the impact fee.
- (3) Establish a formula that fairly and objectively apportions the total costs that are to be borne by those paying impact fees among various types of developments. By way of illustration without limitation:
  - a. In the case of street improvements, the impact fee may be related to the number of trips per day generated by different types of uses according to recognized estimates;
  - b. In the case of drainage improvements, the impact fee may be related to the size of a development, the amount of impervious surface the development has, or other factors that bear upon the degree to which a development contributes to the need for drainage improvements made at public expense.

**Section 6-3. Capital Improvements Reserve Funds; Expenditures.** (a) Impact fees received by the town shall be deposited in a capital improvements reserve fund or funds established under Article 3, Part 2, Chapter 159 of the General Statutes. Such funds may be expended only on the type of capital improvements for which such impact fees were established, and then only in accordance with the provision of subsection (b) of this section.

(b) In order to ensure that impact fees paid by a particular development are expended on capital improvements that benefit that development, the town shall establish for each category of capital improvement for which it collects an impact fee at least two geographical districts or zones, and impact fees generated by developments within those districts or zones must be spent on improvements that are located within or that benefit property located within those districts or zones.

**Section 6-4. Credits for Improvements.** An ordinance adopted under this part shall make provision for credits against required fees when a developer installs improvements of a type that generally would be paid for by the town out of a capital reserve account funded by impact fees. The ordinance may spell out the circumstances under which a developer will be allowed to install such improvements and receive such credits.

**Section 6-5. Appeals Procedure.** An ordinance adopted under this part may provide that any person aggrieved by a decision regarding an impact fee may appeal to the Carrboro Board of Adjustment. If the ordinance establishes an appeals procedure, it shall spell out the time within which the appeal must be taken to the board of adjustment, the possible grounds for an appeal and the board's authority in the matter,

whether the fee must be paid prior to resolution of the appeal, and other procedural or substantive matters related to appeals. Any decision by the board of adjustment shall be subject to review by the superior court by proceedings in the nature of **certiorari** in the same manner as is provided in G.S. 160A-388(e).

**Section 6-6. Payment of Impact Fees.** An ordinance adopted under this Part shall spell out when in the process of development approval and construction impact fees shall be paid and by whom. By way of illustration without limitation, the ordinance may provide that an applicant for a building permit shall submit the impact fee along with the permit application and that building permits shall not be issued until the impact fee has been paid.

**Section 6-7. Refunds.** If this Part or any ordinance adopted hereunder is declared to be unconstitutional or otherwise invalid, then any impact fees collected shall be refunded to the person paying them together with interest at the rate established under G.S. 105-241.1, being the same rate paid by the Secretary of Revenue on refunds for tax overpayments.

**Section 6-8. Limitations on Actions.** (a) Any action contesting the validity of an ordinance adopted under this Part must be commenced not later than nine months after the effective date of such ordinance.

(b) Any action seeking to recover an impact fee must be commenced not later than nine months after the impact fee is paid, unless the ordinance establishing the impact fee provides for an appeal to the board of adjustment as provided in Section 6-5, in which case any shorter appeal period set forth in such ordinance shall control.

"Part 2. Other Fees

**Section 6-9. Off-Street Parking Fund.** The board of aldermen may establish a fund into which payments from individual firms, persons, corporations, or property owners shall be deposited for the purpose of providing off-street parking facilities, and from which appropriations shall be made exclusively for the purpose of organizing, establishing, developing, or enlarging off-street parking facilities within the town. The board of aldermen may provide in its land use ordinance that all developers must either provide adequate off-street parking (on site or off site) to serve their developments, or pay a fee to the town's off-street parking facilities fund based on the number of required parking spaces not provided.

**Section 6-10. Recreation Fees in Lieu of Facilities.** The board of aldermen may establish a fund into which payments from developers or property owners may be deposited for the purpose of providing open space areas or recreational facilities and from which appropriations shall be made exclusively for the purpose of acquiring or improving open space areas or recreational facilities that are reasonably expected to benefit or serve the residents of the development generating such funds. The board of aldermen may provide in its land use ordinance that all developers or developers of certain types of projects shall either provide open space and recreational facilities according to standards set forth in the ordinance or pay a fee in accordance with a town-established schedule to the town's open space and recreational facilities fund. The town may also provide in the land use ordinance that, under specified circumstances, such fee

shall be required in lieu of the reservation or dedication of open space or recreational facilities.

"Article 7. Eminent Domain

**Section 7-1. Purposes for Which Power of Eminent Domain May Be Exercised.** The power of eminent domain may be exercised by the town for any purpose authorized by general law or by this charter. Without limiting the foregoing, as applied to the town the phrase 'roads, streets, alleys, and sidewalks' contained in G.S. 40A-3(b)(1) shall be deemed to include bikeways, bikepaths, and other facilities designed for travel by the bicycle-riding public, whether or not combined with streets, sidewalks, paths, or other public ways used for transportation by vehicles or pedestrians.

"Article 8. Regulation of Streets, Sidewalks,  
Bikeways, Parking, Etc.

**Section 8-1. Regulation of Vehicles Considered Abandoned.** In addition to the authorization set forth in G.S. 160A-303(b), the town may, by ordinance, define an abandoned vehicle to include any motor vehicle parked under the circumstances listed below and may enforce such ordinance by towing under any ordinance adopted pursuant to the authorization contained in G.S. 160A-303:

- (1) Any motor vehicle that is left on property owned, leased, or operated by the town contrary to an ordinance prohibiting parking thereon during specified times or in excess of specified durations.
- (2) Any motor vehicle that has been left on private property in a properly designated fire lane in violation of an ordinance prohibiting parking in such specifically designated fire lanes.

**Section 8-2. Bikeways.** The board of aldermen may adopt ordinances regulating the use of bikeways (thoroughfares suitable for bicycles) within the town, whether such bikeways exist within the rights-of-way of public streets or along separate and independent corridors. Without limiting the foregoing, such ordinances may establish traffic regulations for bicycles travelling in designated bikeways different than those established for other types of vehicular traffic.

**Section 8-3. Regulating Railroad Crossing.** (a) Whenever the board of aldermen concludes, based upon a record of accidents or near accidents or the opinion of a professional traffic engineer or transportation planner deemed qualified by the board that a particular grade crossing located inside or within 500 yards of the corporate boundaries of the town is especially hazardous, the board may adopt an ordinance requiring the railroad company to install and maintain such warning signs, gates, lights or devices as the board deems reasonably necessary in the interest of public safety. The ordinance may provide that up to seventy-five percent (75%) of the cost of the acquisition and installation (or replacement) of such devices as well as one hundred percent (100%) of the maintenance cost shall be borne by the railroad, and the remaining cost shall be borne by the town.

(b) The intent of the section is to modify the provisions of G.S. 160A-298 as they would otherwise apply to the Town of Carrboro.

**Section 8-4. Removal of Unauthorized Vehicles from Private Property.**  
(a) Subject to subsection (b) of this section, any motor vehicle left on private property



within the town of Carrboro for more than 24 hours in an area described in subsection (b)(1) or for any period of time in an area described in subsections (b)(2) and (b)(3) without permission of the person or party having possession (actual or constructive) of such property may be removed by or at the direction of such party to a place of storage, and the registered owner of such motor vehicle shall become liable for removal and storage charges. No person shall be held to answer in any civil or criminal action to any owner, lien holder or other person legally entitled to the possession of any motor vehicle removed under this section except where the person or party against whom liability is asserted acted maliciously in directing the removal of the vehicle or negligently in towing or storing the vehicle.

(b) The provisions of subsection (a) shall apply only to the following areas:

- (1) Private roads, including adjacent shoulders, sidewalks, and medians, so long as at every entrance to such private road or at every entrance to a subdivision or development containing private roads, there is prominently displayed a sign that contains the following message or any equally explicit message, printed in letters at least three inches high: 'Private Road, No Parking In Or Along Road, Violators Towed At Their Expense.' Such sign shall also display a telephone number to be called for information about a towed vehicle.
- (2) Privately owned parking lots or areas, regardless of whether such lots or areas fall within the definition of 'public vehicular areas' contained in G.S. 20-4.01(32), so long as there is prominently displayed at every entrance to such lots or areas a sign that clearly informs, in letters at least three inches in height, any person driving a motor vehicle onto such lot or areas:
  - a. Either that (i) parking within such lot is restricted in a manner indicated in such entrance sign, or (ii) parking within such lot is restricted in a manner indicated in signs placed throughout the lot, (and such signs are placed in such a manner and location as reasonably to inform persons seeking to park in specific spaces what limitations apply to such spaces); and
  - b. That violators may be towed at their expense; and
  - c. What the telephone number is that should be called for information about a towed vehicle. (This information may be in letters or numbers less than three inches in height.)
- (3) Any driveway or parking space that is manifestly designed to serve a single family or two-family private residence, as well as any other private property that is manifestly not designed or intended for the parking of motor vehicles.

(c) A property owner or possessor who removes a vehicle or has a vehicle removed pursuant to this section shall immediately thereafter contact the Town of Carrboro police department and inform such agency that the vehicle has been removed, who removed it, why it was removed, and where it can be reclaimed, and shall provide such agency with the registration plate number or other identification of such vehicle.

"Article 9. Regulation of Buildings and Development

"Part 1. General

Section 9-1. Extraterritorial Authority. (a) The town is authorized to exercise all of the powers granted in Article 19 of Chapter 160A of the General Statutes (Planning and Regulation of Development) as well as related powers conferred in this charter not only within the corporate limits of the town but also within the town's extraterritorial planning area, which consists of the area described in Chapters 122 and 636 of the Session Laws of 1963 as the same may be amended from time to time by any other local act or any ordinance adopted pursuant to G.S. 160A-360.

(b) The division line between the extraterritorial jurisdiction of the Town of Carrboro and the Town of Chapel Hill may by mutual written agreement of the towns be relocated from time to time.

**Section 9-2. Unified Development Ordinance.** The board of aldermen may combine into a single ordinance or unified land use code any of the ordinances that it is permitted to adopt pursuant to the authority granted in Article 19 of Chapter 160A of the General Statutes or any local act applicable to the Town of Carrboro that deals with the subject matters contained in Article 19 of Chapter 160A of the General Statutes. In a unified development ordinance the board may provide that subdivision preliminary plat approval be granted in the same manner as any other conditional use permit is issued, including the attachment of reasonable conditions to such approval.

**Section 9-3. Zoning Board of Adjustment.** The board of aldermen may create a board of adjustment in accordance with the provisions of Article 19 of Chapter 160A of the General Statutes. Such board shall be subject to all the provisions of general law except that the board of aldermen may authorize the board of adjustment to decide any matter before it either (i) upon a vote of a majority of the members present at a meeting and not excused from voting, so long as a quorum consisting of at least six members is present, or (ii) upon a vote of a four-fifths majority of the members present at a meeting and not excused from voting, so long as a quorum consisting of at least six members is present.

**Section 9-4. Smoke Detectors.** Notwithstanding any provision of the North Carolina State Building Code or any general or local law to the contrary, the board of aldermen may adopt an ordinance requiring that the owners of all existing rental residential dwelling units whose units are not required to have smoke detectors under the State Building Code shall install battery operated smoke detectors in such units within 90 days after the effective date of such ordinance.

**Section 9-5. Sprinkler Systems.** Notwithstanding any provision of the North Carolina State Building Code or any general or local law to the contrary, the board of aldermen may adopt an ordinance requiring that sprinkler systems be installed in all of the following types of buildings constructed within the town or its extraterritorial planning jurisdiction: (i) buildings in excess of 50 feet in height; (ii) nonresidential buildings containing at least 5,000 square feet of floor surface area; or (iii) buildings designed for assembly occupancy (as defined in the North Carolina State Building Code) that accommodate more than 25 people. This ordinance applies to

existing buildings only to the extent and under the circumstances that the provisions of the North Carolina State Building Code apply to preexisting buildings.

"Part 2. Neighborhood Preservation Districts

**Section 9-11. Membership and Appointment of Commission.** (a) The town may create a special commission, to be known as the neighborhood preservation district commission. The commission shall consist of not less than three members, to be appointed by the board of aldermen for such terms, not to exceed four years, as the board of aldermen may by ordinance provide. All members shall be residents of the town or the town's extraterritorial planning jurisdiction at the time of appointment. Where possible, appointments shall be made in such a manner as to maintain on the commission at all times at least two members who have had special training or experience in a design field, such as architecture, landscape design, landscape architecture, horticulture, city planning, or a related field. Membership on the commission is declared to be an office that may be held concurrently with any other elective or appointive office pursuant to Article VI, Section 9 of the North Carolina Constitution.

(b) In lieu of establishing a separate neighborhood preservation district commission, the town may designate as its neighborhood preservation district commission either (i) an historic district commission, established pursuant to G.S. 160A-396, or (ii) the planning board, or (iii) the appearance commission.

**Section 9-12. Neighborhood Preservation District Defined.** A neighborhood preservation district is an area that possesses form, character, and visual qualities derived from arrangements or combinations of architecture or appurtenant features or places of historical or cultural significance that create an image of stability, local identity, and livable atmosphere.

**Section 9-13. Powers and Duties of Commission.** The board of aldermen may confer upon the neighborhood preservation district commission any or all of the following duties and powers:

- (1) To undertake an inventory of areas of cultural or historical significance within the jurisdiction of the town to identify for all public officials and public bodies those characteristics which define significant areas within the jurisdiction;
- (2) To recommend to the board of aldermen areas to be designated or removed from designation by ordinance as "Neighborhood Preservation Districts";
- (3) To conduct an educational program with respect to the special character of neighborhood preservation districts;
- (4) To prepare or review studies and plans for consideration by governing bodies in taking action that affects the preservation and enhancement of such districts;
- (5) To recommend to the board of aldermen such action as will enhance and preserve the special character of neighborhood preservation districts;

- (6) To cooperate with public and private officials, organizations, agencies, and groups which are concerned with and have an impact upon neighborhood preservation districts;
- (7) To submit annually to the board of aldermen a written report of its activities and to identify activities, including violations of ordinances and plans, that affect the district. All accounts and funds of the commission shall be administered in accordance with the requirements of the Local Government Budget and Fiscal Control Act;
- (8) To review all applications for (i) zoning, sign, special use and conditional use permits for development within the district, as well as (ii) all building permit applications for any work involving the construction, removal, or alteration of an 'exterior feature' (as the term is defined in G.S. 160A-397) of a building within a district under circumstances where no zoning, sign, conditional, or special use permit is required for such work. The board of aldermen may provide that none of the foregoing permits may be issued until the neighborhood preservation commission has had an opportunity to comment upon the application and for its comments to be officially taken into consideration by the permit issuing authority.
- (9) In the case of an application for any of the permits referenced in subsection (8) which authorize work involving the construction, reconstruction, alteration, removal, restoration, or demolition of any 'exterior feature' of any building within a district, the board of aldermen may authorize the commission to delay the issuance of the permit for a period not exceeding 180 days from the application date to provide an opportunity for the commission to negotiate with the applicant and any other parties in an effort to find a means of making the proposed work more consistent with the preservation of the district.

**Section 9-14. Procedures.** (a) As a guide for the identification and evaluation of neighborhood preservation districts, the commission may undertake an inventory of those areas within its jurisdiction that exhibit scenic, cultural, historical and natural qualities and which may qualify as neighborhood preservation districts as defined in Section 9-12. No ordinance designating a neighborhood preservation district shall be adopted by the board of aldermen until the following procedural steps have been taken:

- (1) The commission investigates and prepares a report on the special historical or cultural qualities of the area to be designated.
- (2) The commission and the board of aldermen hold a public hearing on the proposed ordinance(s) designating neighborhood preservation districts. Reasonable notice of the time and place thereof shall be given.

(b) Following the joint public hearing, the board of aldermen may adopt the ordinance as proposed, adopt the ordinance with any amendments it deems necessary, or reject the proposed ordinance.

(c) Following adoption of the ordinance, the designation of the neighborhood preservation district shall be publicized through appropriate publications and public awareness programs.

"Article 10. Miscellaneous Regulations

**Section 10-1. Housing Discrimination.** The board of aldermen may adopt ordinances designed to ensure that all housing opportunities in the Town of Carrboro shall be equally available to all persons without regard to race, color, religion, sex or national origin. Such ordinances may regulate or prohibit any act, practice, activity or procedure related directly or indirectly to the sale or rental of public or private housing that affects or may tend to affect the availability or desirability of housing on an equal basis to all persons, without regard to race, color, religion, sex or national origin. However, ordinances adopted pursuant to the authority contained in this act shall not apply to the rental of rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his residence. Any ordinance passed pursuant to this authorization may be enforced by any method authorized for enforcement of ordinances generally in G.S. 160A-175. In addition, any ordinance adopted pursuant to this authorization may provide that any person aggrieved by any act, practice, activity or procedure prohibited by such ordinance may seek equitable relief in the appropriate division of the General Court of Justice."

Sec. 2. The following local acts, to the extent such acts are applicable to the Town of Carrboro, as well as all other local acts applicable to the town that are inconsistent with this act, are repealed.

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| Chapter 122  | Session Laws of 1963 (except Section 8 thereof, which sets forth the boundaries of the town's extraterritorial planning jurisdiction.) |
| Chapter 660  | Session Laws of 1969 (except that the description of the town boundaries contained therein shall not be affected.)                     |
| Chapter 1088 | Session Laws of 1969   |
| Chapter 625  | Session Laws of 1971   |
| Chapter 260  | Session Laws of 1977   |
| Chapter 365  | Session Laws of 1979   |
| Chapter 753  | Session Laws of 1979   |
| Chapter 301  | Session Laws of 1979   |
| Chapter 1139 | Session Laws of 1979 (2d Session 1980)   |
| Chapter 302  | Session Laws of 1979   |
| Chapter 911  | Session Laws of 1981, Sections 1,2,3,4,5,10  |
| Chapter 730  | Session Laws of 1983 (except Section 4)  |
| Chapter 357  | Session Laws of 1985, Sections 1,2,3,6   |
| Chapter 936  | Session Laws (Regular Session, 1986), Section 3  |

Sec. 3. The following local acts or portions thereof applicable to the Town of Carrboro are not repealed:

Section 8 of Chapter 122 of the Session Laws of 1963 (which describes in part the town's extraterritorial planning jurisdiction)

Chapter 636 of the Session Laws of 1963 (which describes in part the town's extraterritorial planning jurisdiction)

The description of the town boundaries set forth in Chapter 660 of the Session Laws of 1969

Chapter 71 of the Session Laws of 1975 (a satellite annexation of The Villages Apartments complex)

Section 4 of Chapter 730 of the Session Laws of 1983 (validating prior special assessments)

Sec. 4. No provision of this act is intended, nor shall be construed, to affect in any way any rights or interests (whether public or private):

(1) Now vested or accrued, in whole or in part, the validity of which might be sustained or preserved by reference to any provisions of law repealed by this act.

(2) Derived from, or which might be sustained or preserved in reliance upon, action heretofore taken pursuant to or within the scope of any provisions of law repealed by this act.

Sec. 5. No law heretofore repealed expressly or by implication, and no law granting authority which has been exhausted, shall be revived by:

(1) The repeal herein of any act repealing such law, or

(2) Any provision of this act which disclaims an intention to repeal or affect enumerated or designated laws.

Sec. 6. All existing ordinances and resolution of the Town of Carrboro and all existing rules or regulations of departments or agencies of the Town of Carrboro not inconsistent with the provisions of this act shall continue in full force and effect until repealed, modified or amended.

Sec. 7. No action or proceeding of any nature (whether civil or criminal, judicial or administrative, or otherwise) pending at the effective date of this act by or against the Town of Carrboro or any of its departments or agencies shall be abated or otherwise affected by the adoption of this act.

Sec. 8. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

Sec. 9. Whenever a reference is made in this act to a particular provision of the General Statutes, and such provision is later amended, repealed, superseded or recodified, the reference shall be deemed amended to refer to the amended General Statute, or to the General Statute which most clearly corresponds to the statutory provision which is repealed, superseded or recodified.

Sec. 10. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 25th day of June, 1987.