

THE CHARTER OF THE TOWN OF CARRBORO*.

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. Town of Carrboro includes the entire area within the corporate boundary description set forth below as well as any other area annexed by the town prior to, on, or after March 15, 1995:

BEGINNING at a point on the existing Carrboro-Chapel Hill Corporate Limits Line, said BEGINNING point being located North 87° 05' West 155 feet from the northwest corner of the Chapel Hill Board of Education Property (Lincoln Center) Lot 13, Block C, Orange County Tax Map 100, dated April 1, 1963 revised March 25, 1991; running thence with the Chapel Hill Corporate Limits Line the following courses and distances: South 87° 05' East 155 feet, South 4° 20' West 300 feet, South 5° 32' West 297 feet, South 2° 47' East 35 feet, due west 30 feet and south along the eastern property line of Lot 17, Block C, Orange County Tax Map 100 dated January 1, 1966 Revised, 298 feet to the northern right-of-way line of Merritt Mill Road; running thence a new line the following courses and distances: westward along the northern right-of-way line of Merritt Mill Road as it curves in a clockwise direction 975 feet to the center line of Smith Level Road; running thence southwestward along the center line of Smith Level Road 750 feet to the center line of Morgan Creek, then along the eastern right-of-way of Smith Level Road 2,550 feet to the northern right-of-way line of Culbreth Road; running thence along the northern right-of-way line of Culbreth Road South 76° 24' East a distance of 357.24 feet, thence to the center line of the Culbreth Road right-of-way South 13° 36' West a distance of 30 feet, thence South 48° West 189.88 feet along the eastern property line of the Teal Place Subdivision Orange County Plat Book 57, at Page 118, thence along the southern property line of the Teal Place Subdivision North 61° 44' West 308.80 feet to the center line of Smith Level Road; thence continuing in a southerly direction along the center line of Smith Level Road to a point where an easterly extension of the southern right-of-way line of Rock Haven Road intersects with the center line of Smith Level Road, thence in a westerly direction along the Rock Haven Road southern right-of-way line North 89° 06' 08" West 1,248 feet to a stake in the line of the Glover Property; thence with that line North 00° 16' 55" West 60.01 feet to an iron pipe in the northerly margin of the Rock Haven Road right-of-way, continuing along

* The latest comprehensive revision of the Carrboro Town Charter was enacted as Chapter 476 of the 1987 Session Laws. Subsequent local acts modify or supplement this Charter as referenced throughout.

the eastern boundary of the Glover Property North 00° 16' 55" West 490.45 feet to a concrete monument at a common corner between the Villages property (see Book of Maps 21, at Page 34 in said Registry) and the Glover Property (see Deed Book 164 at Page 429 in said Registry); thence along the western property line of the Village North 0° 11' 50" West 200 feet to a rock pile; thence in a westerly direction along the property line of the Highland Hills Apartments Property South 78° 43" West 1,498.84 feet to an iron pipe in Mt. Carmel Spring Branch in D. Norris Ray's line; thence 1,640 feet with Ray's line and the center line of said branch as it meanders in a northerly direction to the center line of Morgan Creek; thence with said creek as it meanders in a easterly direction 441 feet to the western property line of the Chapel Hill Tennis Club Property (Plat Book 49, at Page 130), then along said line North 10° 16' West 1,561.97 feet; thence North 17° 38' West 41 feet, then North 17° 32' West 108.40 feet to a point where the western property line of Section II of the Tennis Club Estates intersects with the property line of the Poplar Place Apartments Tax Map 116 Lot 5 (formerly Woodbridge Phase II); thence North 17° 49' West along said property line 84.74 feet to a point; thence South 49° 17' 51" West 69.50 feet to a point; thence South 54° 42' 23" West 237.27 feet to a point; thence South 26° 55' 54" East 64.57 feet to a point; thence North 89° 44' 55" West 448.36 feet to a concrete monument; thence North 45° 03' 37" West 41.60 feet to a point; thence South 44° 56' 23" West 35 feet to a point along the western right-of-way line of Old Fayetteville Road Extension; thence along said right-of-way North 45° 03' 37" West 670 feet to a point of intersection with the western right-of-way line of Old Fayetteville Road (State Road 1937) and continuing along said right-of-way in a northerly direction 488 feet to the intersection with Jones Ferry Road right-of-way and continuing in a northerly direction across Jones Ferry Road along the western right-of-way line of Old Fayetteville Road 530 feet to a point on the eastern right-of-way line of Old Fayetteville Road to where it intersects with the northwestern property line of Tax Map 114 Lot 16 (Willow Springs Long Term Care Facility); thence along said line North 60° 57' 42" East 638.8 feet to a point on the Willow Creek Shopping Center property line (Plat Book 44, at Page 81); thence along said property line North 80° 19' 16" West 68.25 feet; North 38° 09' 50" West 191.50 feet to an existing iron pipe; North 18° 53' 55" West 71.60 feet to an existing iron pipe; North 08° 40' 37" East 308.55 feet to an existing iron pipe; North 09° 19' 14" East 31.04 feet to an existing iron pipe which is in the southern boundary line of the property of Harris Inc. (now or formerly); thence in a westward direction along the southern boundary of the Harris Inc. Property (Plat Book 32 at Page 64) South 71° 45' 21" West 57.72 feet; North 75° 52' 16" West 48.72 feet; North 30° 39' 38" West 59.72 feet; North 74° 58' 13" West 83.24 feet; North 30° 34' 19" West 174.64 feet; North 03° 49' 22" West 141 feet; North 44° 51' 06" West 113.68 feet; North 10° 43' 01" East 124.57 feet; North 12° 02' 50" East 112.76 feet to an existing iron pin on the northeastern corner of Section Two of the Fenway Park Subdivision (Plat Book 32 at Page 64); thence along the Southern boundary of Fenway Park Subdivision South 77° 10' 00" West 112.00 feet; North 52° 17' 00" West 91.00 feet; North 27° 03' 00" West 86.00 feet; North 10° 01' 47" West 60.39 feet to a point on the Eastern Boundary

of the Ramsgate Apartment Property (Plat Book 44 at Page 156); thence along the Ramsgate Apartments Property line South 62° 38' 47" West 365.61 feet to the eastern right-of-way of Old Fayetteville Road (State Road 1937); thence to the Western right-of-way of Old Fayetteville Road and running along said right-of-way in a Northward direction a distance of 3,130 feet to a point on the Southeastern corner of the Southern Bell Telephone and Telegraph Company property (Tax Map 114 Lot 1F); thence in a westward direction running along said property line South 61° 12' 25" West 610.00 feet to an iron stake; North 28° 55' 37" West 697.62 feet to an iron stake; thence North 12° 28' 35" East 210.00 feet to an iron stake on the southwestern corner of the Marvin Emmett Cheek property; running thence with said Cheek property South 71° 03' " East 209.45 feet to an iron axle; running thence North 12° 33' 43" East 413.39 feet to an iron stake in the southern right-of-way line of N.C. Highway #54; thence northwest across the right-of-way of N.C. Highway #54 to the southeastern corner of the Roy D. & Gracie M. Brown property (Tax Map 108 Lot 49) (Deed Book 221 at Page 716) and the northern right-of-way line of N.C. Highway 54 and the western right-of-way of Old Fayetteville Road (State Road 1107); thence north along the western right-of-way line of Old Fayetteville Road (State Road 1107) for a distance of 2,615 feet to the southern right-of-way line of Strowd Lane (State Road 1106); thence west along the southern right-of-way line of Strowd Lane (State Road 1106) for a distance of 719 feet to the northeast corner of the Mary W. Cheek property (Tax Map 108 Lot 39F); thence south along the eastern boundary of said property South 04° 02' 39" West 439 feet to a point; then South 85° 57' 21" West 181.28 feet to the Carrboro Community Park Property; thence south along the Carrboro Community Park property South 04° 02' 39" West 1,849 feet to a corner on the northern right-of-way line of N.C. Highway #54; thence North 70° 34' West 1,229.16 feet; thence North 02° 24' East 438 feet to a point on the Edgar K. Lloyd & Hazel H. Lloyd property; thence North 69° 18' 28" West 611.39 feet to a point; thence South 21° 11' 35" West 500.00 feet to a point on the boundary of N.C. Highway #54; thence with the right-of-way, North 67° 25' West 1,652.03 feet to a point on Morgan Creek; thence running along said creek North 11° 08' 18" East 162.30 feet to a point; thence North 02° 38' 18" East 200 feet to a point; thence, North 20° 38' 18" East 165 feet to a point; thence North 12° 38' 18" East 73.70 feet to a point; thence from the southwest corner of the Winsome Lane Subdivision North 16° 43' 40" East 133.84 feet to a point; thence North 05° 18' 30" West 116.87 feet to a point; thence North 19° 34' 33" East 65.84 feet to a point; thence North 46° 51' 44" East 135.56 feet to a point; thence North 38° 17' 48" East 251.38 feet to a point; thence North 22° 10' 00" East 42.37 feet to a point; thence North 03° 16' 07" East 161.71 feet to a point; thence North 21° 27' 33" West 101.22 feet to a point; thence North 08° 28' 10" West 327.31 feet to a point; thence North 12° 39' 27" West 287.11 feet to a point; thence North 24° 39' 13" West 217.54 feet to a point; thence North 14° 00' 39" West 137.84 feet to a point; thence leaving the creek, North 44° 06' 44" East 37.17 feet to a point; thence North 07° 40' 44" West 150.00 feet to a point; thence North 44° 03' 58" East 396.52 feet to a point; thence, South 05° 19' 16" West 385.23 feet to a point; thence South 69° 45' 53" East 131.75 feet to a point;

thence South 89° 38' 28" East 230.80 feet to a point; thence North 72° 17' 32" East 164.85 feet to a point; thence North 72° 17' 32" East 164.85 feet to a point; thence, South 84° 41' 39" East 165.00 feet to a point; thence South 05° 28' 01" West 52.80 feet to a point; thence South 83° 36' 20" East 809.44 feet to a point; thence North 03° 59' 41" West 109.94 feet to a point; thence South 84° 46' 17" East 330.00 feet to a point; South 84° 01' 35" East 1,400.66 feet to a point; thence South 83° 54' 19" West, 800.31 feet to a point on the western right-of-way line of Old Fayetteville Road (State Road 1107); thence in a northward direction along the western right-of-way line of Old Fayetteville Road (State Road 1107) a distance of 1,280 feet to intersect with the western right-of-way of Old N.C. 86 (State Road 1009); thence continuing in a northward direction along the western right-of-way of Old N.C. 86 (State Road 1009) a distance of 220 feet; thence East 60 feet to a point on the eastern right-of-way of Old N.C. 86 (State Road 1009) and the northwest corner of the Orange Water and Sewer Authority's water pump station property (Tax Map 108 Lot 2B); thence along said property South 79° 08' 59" East 184.74 feet to a point; thence South 30° 51' 18" East 156.34 feet to a point; thence South 56° 16' 27" West 167.71 feet to a point on the eastern right-of-way of Old N.C. 86 (State Road 1009); thence along said right-of-way South 42° 45' 13" East 146.14 feet to a point; thence South 53° 21' 10" East 135.73 feet to a point on the western corner of the Barrington Hills Subdivision (Plat Book 22 at Page 44); thence North 46° 20' 08" East 105.26 feet to a point; thence North 46° 20' 22" East 292.37 feet to a point; thence North 46° 24' 10" East 449.81 feet to a point; thence North 46° 12' 05" East 177.80 feet to a point; thence North 80° 04' 08" East 53.09 feet to a point on the southwest corner of the Arcadia Subdivision (Plat Book 72, at Page 103); thence along the western boundary of the Arcadia Subdivision, North 06° 37' 06" East 419.63 feet to a point in the creek; thence with the creek North 56° 30' 36" West 164.21 feet to a point in the creek; thence continuing with said creek, North 53° 18' 27" West 122.56 feet to an iron stake; thence North 11° 07' 00" West, 514.27 feet to an iron stake in the line of Robert C. Hogan; thence, with Hogan's line South 89° 01' 52" East 300.00 feet to a point; thence South 89° 04' 02" East 523.86 feet to an iron pipe in the western line of the Wexford Subdivision; thence along said subdivision boundary North 05° 33' 13" East 1,222.73 feet to an iron pipe in the southern right-of-way line (allowing 30 feet from center) of Homestead Road (State Road 1777), and continuing 60 feet to a point on the northern right-of-way of Homestead Road; thence eastward along the northern right-of-way line of Homestead Road (State Road 1777) a distance of 810 feet to a point; thence to an iron pipe on the southern right-of-way line of Homestead Road (State Road 1777) and the northeast corner of the Wexford Subdivision; thence South 29° 24' 25" West 247.12 feet to an iron pipe; thence South 23° 34' 46" West 482.78 feet to an iron pipe, thence South 05° 33' 13" West 221.63 feet to an existing concrete monument; thence South 89° 08' 14" East 216.25 feet to an iron pipe; thence South 00° 58' 17" West 143.93 feet to an iron pipe; thence South 27° 33' 55" West 67.02 feet to an iron pipe; thence South 00° 58' 17" West 248.53 feet to an iron pipe; thence South 06° 44' 50" East 568.18 feet to an iron pipe in the line of Virginia Pollitzer Lieth's property (Plat Book 36, at Page 66); thence South 89°

06' 52" West 221.61 feet to an iron pipe; thence South 03° 15' 10" East, 56.30 feet to an iron pipe; thence South 03° 14' 40" East 428.03 feet to an iron pipe; thence continuing South 03° 14' 40" East 50.07 feet to a point; thence South 3° 20' 3" East 137.79 feet to an existing iron pipe on the northwest corner of the Cates Farm Subdivision (Plat Book 72, at Page 172 and 172.1); thence along the northern boundary of the Cates Farm Subdivision North 89° 57' 12" East 1,018.22 feet to an existing iron pipe on the western boundary of the Cobblestone Subdivision (Plat Book 47 at Page 178); thence North 01° 11' 46" East 628.99 feet to an iron pipe on the northwest corner of the Cobblestone Subdivision; thence South 88° 07' 08" East 549.22 feet to the northeast corner of the Cobblestone Subdivision; thence along the eastern boundary of the Cobblestone Subdivision South 02° 19' 28" East 2,082.54 feet to an existing iron pipe; thence South 34° 18' 39" West 671.64 feet to an existing iron pipe on the northwest corner of the Sudbury Subdivision (also referred to as the Fair Oaks Subdivision); thence along the northern property line of the Sudbury, Fair Oaks, and Waverly Forest Subdivisions, North 89° 57' 23" East 2,259.15 feet to an iron pipe on the western boundary of the Spring Valley Subdivision; thence North 01° 02' 46" East 302.91 feet to an iron pipe on the northwest corner of the Spring Valley Subdivision; thence along the northern boundary of the Spring Valley Subdivision North 85° 50' 27" East 768.90 feet to a point on the center line of Bolin Creek; thence in an eastward direction along the center line of Bolin Creek for a distance of 4,994 feet to a point where the center line of Bolin Creek intersects with the eastern right-of-way line of the Norfolk and Southern Railroad (a/k/a the University Railroad) and the Chapel Hill Corporate Limits; running thence with the eastern right-of-way line of the Norfolk and Southern Railroad (a/k/a the University Railroad) in a southern direction a distance of 972 feet to intersect with the western corporate limits of the Town of Chapel Hill; running thence with the western corporate limits line of the Town of Chapel Hill 2,600 feet in a southern direction to a point where the Chapel Hill City Limits runs south from the railroad right-of-way center line; thence in a southwestern direction along the railroad right-of-way center line a distance of 230 feet to a point; thence in a southern direction and along the eastern right-of-way of Broad Street a distance of 230 feet to a point of intersection with the northern property line of Lot 9, Block F, Orange County Tax Map 97; thence in an easterly direction along said lot boundary a distance of 170 feet to intersect with the Town of Chapel Hill Corporate Limits; running thence with the western Corporate Limits Line of the Town of Chapel Hill 7,217 feet in a southern and western direction to the point of BEGINNING. [Amended by S.L. 1995, Ch. 339, Sec. 5.2]

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, commissioners, councilors, or council members, as determined by resolution of the Town of Carrboro, elected as provided in Section 2-2. The

governing body shall be known as the Board of Aldermen, Board of Commissioners, Board of Councillors, or Town Council, as determined by resolution of the Town of Carrboro. Whenever this Charter or any ordinance, resolution, or other document refers to the Carrboro Board of Aldermen, such reference shall be deemed to refer to the Carrboro Board of Aldermen, Board of Commissioners, Board of Councillors, or Town Council, as determined by resolution of the Town of Carrboro. [Amended by S.L. 1999, Ch. 255, Sec. 2]

- (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, (e.g., 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, may 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 connection 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.

Section 2-6. Recall of Mayor and Members of the Board of Aldermen.

- (a) The Mayor and any member of the Board of Aldermen may be removed from office in the manner provided for in this section.
- (b) Any registered voter of the Town of Carrboro may make and file with the Supervisor of Elections of the Board of Elections of Orange County an affidavit containing the name of the official whose removal is sought and a general statement of the grounds alleged for removal. The supervisor of elections shall thereupon deliver to the registered voter, making such affidavit copies of petitions for demanding such a removal, printed forms of which the supervisor of elections shall keep on hand. Such blank forms shall be issued by the supervisor of elections with his or her signature thereto attached and shall be dated and addressed to the Board of Elections of Orange County, indicate the person to whom issued, state the name of the official whose removal is sought, and shall contain the general statement of the grounds on which the removal is sought as alleged in the affidavit.
- (c) A copy of the petition shall be promptly delivered to the town clerk, who shall enter the copy of the petition in a record book kept for that purpose in the office of the clerk. A recall petition to be effective must be returned within 30 days after the filing of the affidavit, and to be sufficient must bear the signatures of registered voters of the town equal in number to at least eight percent (8%) of the registered voters of the town as shown by the registration records of the last preceding general municipal election. The signatures to the petition need not all be appended to one paper, but each signer shall add to his signature his place of residence, giving the street and number. One of the signers of each such paper shall take an oath before an officer competent to administer oaths that each signature to the paper appended is the genuine signature of the person whose name it purports to be.
- (d) It is the duty of the Board of Elections of Orange County to investigate the sufficiency of any such petition and to certify the results of such investigation to the Board of Aldermen. The Board of Elections may employ such persons as it deems necessary to undertake such investigations, and the reasonable cost of such investigation shall be reimbursed to the Board of Elections by the Town. The Board of Elections may adopt such rules and regulations as it deems necessary or advisable concerning the validation of signatures appearing on the recall petition.
- (e) The Board of Elections shall complete its investigation and issue its certification of the results of such investigation within 15 days after the filing of any such petition. If, by the Board of Elections' certification, the petition is shown to be insufficient, it may be amended within 10 days from the date of said certificate.

The Board shall, within 10 days after such amendment, make like examination of the amended petition, and if its certificate shall show the same to be insufficient, it shall be returned to the person filing the same, without prejudice, however, to the filing of a new petition to the same effect.

- (f) Upon a determination that a sufficient recall petition has been submitted, the Board of Elections shall order and fix a date for holding a recall election. Subject to the remaining provisions of this subsection, any such election shall be held not less than 50 nor more than 70 days after the petition has been certified as being sufficient. If any other general or special election is scheduled within such period, the Board of Elections shall schedule the special election at the same time. If the provisions of the general law prohibit the holding of special elections during the time aforesaid, and no general or special election is otherwise scheduled during said period of time, then the Board of Elections shall schedule said special recall election for some date within 10 days after the last day of said period of time during which special elections are prohibited by general law.

Notwithstanding the other provisions of this subsection, no recall election shall be scheduled during the time period beginning on the first Monday in July and ending on the last Monday in August in any calendar year.

If the 50-to-70-day time period during which an election is to be scheduled falls completely within the time period beginning on the first Monday in July and ending on the last Monday in August, the recall election shall be postponed and shall be scheduled within 10 days after the last Monday in August, unless otherwise prohibited by general law, in which case said election shall be scheduled within 10 days after the last day of said period of time during which special elections are prohibited by general law.

If the 50-to-70-day time period during which an election is to be scheduled falls partially but not completely within the period from the first Monday in July to the last Monday in August, a recall election shall be scheduled during the time period either before the first Monday in July or after the last Monday in August which otherwise complies with the 50-to-70-day requirement unless otherwise prohibited by general law, in which case said election shall be scheduled within 10 days after the last day of said period of time during which special elections are prohibited by general law or this charter.

- (g) The Orange County Board of Elections shall cause legal notice of the election to be published and shall make all arrangements for holding such election in accordance with general law, and the same shall be conducted, returned, and the results thereof declared in all respects as other town elections in the Town of Carrboro. The reasonable costs of such election shall be reimbursed to the Board of Elections by the town.

- (h) The question of recalling any number of officials may be submitted at the same election, but, as to each such official, a separate petition shall be filed and there shall be an entirely separate ballot.
- (i) The ballots used in a recall election shall submit the following propositions in the order indicated:
 - _____ For the recall of (name and title of official)
 - _____ Against the recall of (name and title of official).
- (j) If a majority of the votes cast on the question of recalling an official be against recall, the official shall continue in office for the remainder of the unexpired term, but, except as provided by subsection (l) of this section, subject to the recall as before. If a majority of such votes be for the recall of the official designated on the ballot, the official shall, regardless of any defects in the recall petition, be deemed removed from office.
- (k) If an official is removed from office as a result of a recall election, the vacancy so caused shall be filled in the manner provided by this charter for filling vacancies in such office, or if not provided by this charter, in the manner provided by general law. An official removed from office by the voters as a result of a recall election shall not be appointed to fill the vacancy caused by his own removal or resignation.
- (l) No recall petition shall be filed against an officer who has been subjected to a recall election, and not removed thereby, until at least one year after that election. [Added by S.L. 1993, Ch. 358, Sec. 6]

Section 2-7. Campaign Finance Reporting. Notwithstanding G.S. 163-278.6(18) and G.S. 163-278.40(2), the provisions of Part 2 of Article 22A of Chapter 163 of the General Statutes, as they now exist or are hereafter amended, are applicable to municipal elections and election campaigns in the Town of Carrboro. [Added by S.L. 1993, Ch. 660, Sec. 2]

Article 3. Finance, Taxation, Contract

Section 3-1. Privilege License Tax. The town may levy privilege license taxes on all trades, occupations, professions, profession, 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.

Section 3-5. Performance and Payment Bonds for Construction Contracts. G.S. 44A-26(a) does not apply to the Town of Carrboro to the extent it requires performance and payment bonds for construction contracts in excess of fifteen thousand dollars (\$15,000). However, the Town shall be bound by the provisions of G.S. 143-129 relating to performance and payment bonds or equivalent security for construction contracts, and the Town may require such bonds or equivalent security for construction contracts of any amount. [Added by S.L. 1995, Ch. 339, Sec. 5]

Section 3-6. Motor Vehicle Tax. All taxes levied under the provisions of this Article are intended as compensatory taxes for the use and privileges of the public highways of this State, and shall be paid by the Commissioner to the State Treasurer, to be credited by him to the State Highway Fund; and no county or municipality shall levy any license or privilege tax upon any motor vehicle licensed by the state of North Carolina, except the cities and towns may levy not more than fifteen dollars (\$15.00) per year upon any vehicle resident therein. Provided, further, that cities and towns may levy, in addition to the amounts hereinabove provided for, a sum not to exceed fifteen dollars (\$15.00) per year upon each vehicle operated in such city or town as a taxicab. [This section was enacted as S.L. 1995, Ch. 339, Sec. 5.1. The act did not specifically amend the Carrboro Town Charter (S.L. 1987, Ch. 476) but is included here for the sake of completeness.]

Section 3-7. Occupancy Tax.

- (a) **Authorization and Scope.** The governing body of the Town of Carrboro may levy a room occupancy tax of up to three percent (3%) of the gross receipts derived from the rental of any room, lodging, or accommodation furnished by a hotel, motel, inn, tourist camp, or similar place within the town that is subject to sales tax imposed by the State under G.S. 105-164.4(a)(3). This tax is in addition to any State or local sales tax. This tax does not apply to accommodations furnished by nonprofit charitable, educational, or religious organizations when furnished in furtherance of their nonprofit purpose.
- (b) **Administration.** A tax levied under this section shall be levied, administered, collected, and repealed as provided in G.S. 160A-215. The penalties provided in G.S. 160A-215 apply to a tax levied under this section.

- (c) **Distribution and Use of Tax Revenue.** The Town of Carrboro shall, on a quarterly basis, remit the net proceeds of the occupancy tax to the Carrboro Tourism Development Authority. The Authority shall use at least two-thirds of the funds remitted to it under this subsection to promote travel and tourism in Carrboro and shall use the remainder for tourism-related expenditures. The following definitions apply in this subsection:
- (1) **Net Proceeds.** Gross proceeds less the cost to the town of administering and collecting the tax, as determined by the finance officer, not to exceed three percent (3%) of the first five hundred thousand dollars (\$500,000) of gross proceeds collected each year and one percent (1%) of the remaining gross receipts collected each year.
 - (2) **Promote travel and tourism.** To advertise or market an area or activity, publish and distribute pamphlets and other materials, conduct market research, or engage in similar promotional activities that attract tourists or business travelers to the area. The term includes administrative expenses incurred in engaging in these activities.
 - (3) **Tourism-related expenditures.** Expenditures that, in the judgment of the Tourism Development Authority, are designed to increase the use of lodging facilities, meeting facilities, and convention facilities in a town by attracting tourists or business travelers to the town. The term includes tourism-related capital expenditures. [This section was enacted as S.L. 2001, Ch. 439, Part XIV, Sec. 14.1. The act did not specifically amend the Carrboro Town Charter (S.L. 1987, Ch. 476) but is included here for the sake of completeness.]

Section 3.8 Tourism Development Authority.

- (a) **Appointment and Membership.** When the governing body of the Town of Carrboro adopts a resolution levying a room occupancy tax under this Part, it shall also adopt a resolution creating a Tourism Development Authority, which shall be a public authority under the Local Government Budget and Fiscal Control Act. The resolution shall provide for the membership of the Authority, which shall be a public authority under the Local Government Budget and Fiscal Control Act. The resolution shall provide for the membership of the Authority, including the members' terms of office, and for the filling of vacancies on the Authority. At least one-third of the members must be individuals who are affiliated with businesses that collect the tax in the town, and at least three-fourths of the members must be individuals who are currently active in the promotion of travel and tourism in the town. The governing body of the Town shall designate one member of the Authority as chair and shall determine the compensation, if any, to be paid to members of the Authority. The Authority shall meet at the call of the chair and shall adopt rules of

procedure to govern its meetings. The Finance Officer for the Town of Carrboro shall be the ex officio of the Authority.

- (b) Duties. The Authority shall expend the net proceeds of the tax levied under this Part for the purposes provided in this Part. The Authority shall promote travel, tourism, and conventions in the town, sponsor tourist-related events and activities in the town, and finance tourist-related capital projects in the town.
- (c) Reports. The Authority shall report quarterly and at the close of the fiscal year to the governing body of the Town of Carrboro on its receipts and expenditures for the preceding quarter and for the year in such detail as the board may require. [This section was enacted as S.L. 2001, Ch. 439, Part XIV, Sec. 14.2. The act did not specifically amend the Carrboro Town Charter (S.L. 1987, Ch. 476) but is included here for the sake of completeness.]

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.

- (c) Notwithstanding the provisions of Article 12 of Chapter 160A of the General Statutes or any other provision of law, the Town of Carrboro may convey town property to the United States Postal Service in accordance with the provisions of G.S. 160A-274 as if the United States Postal Service was a 'governmental unit' as defined by G.S. 160A-274(a). [Added by S.L. 1989, Ch. 97, Sec. 1]

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.

Section 4-3. Specifically Authorized Statutory Trust Funds. Notwithstanding any other provisions of law, the board of aldermen may by resolution abolish any trust fund specifically authorized by statute to be created by a city that the board of aldermen has established. Notwithstanding the temporary or perpetual nature of a trust fund abolished under this section, any funds (including principal and interest) previously held in the trust fund so abolished may thereafter be appropriated by the board of aldermen only for the purpose or purposes for which the trust fund was established. [Added by S.L. 2002, Ch. 48]

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 the 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 improvements 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 the 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 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 short 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 'road, 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 or 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 traveling in designated bikeways different than those established for other types of vehicular traffic.

Section 8-3. Regulating Railroad Crossings.

- (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. Any person who removes a vehicle pursuant to this section shall not be held liable for damages for the removal of the vehicle to the owner, lienholder or other person legally entitled to the possession of the vehicle removed except where the person or party against whom liability is asserted acted maliciously in directing the removal of the vehicle; however, any person who intentionally or negligently damages a vehicle in the removal of such vehicle, or intentionally or negligently inflicts injury upon any person in the removal of such vehicle, may be held liable for damages.
- (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 letter 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.) [Amended by S.L. 1989, Ch. 644, Sec. 6]
- (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, and 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. 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. The Town may provide by ordinance for appropriate incentives to encourage that residential developments contain housing units that are affordable to low- or moderate-income persons. [The last sentence was added by S.L. 1999, Ch. 255, Sec. 1]

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 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 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 is present. [Amended by S.L. 1997, Ch. 407, Sec. 2.1]

Section 9-4. Smoke Detectors. Notwithstanding any provision of the North Carolina State Building Code or any 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 System.

- (a) 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, including the portion of the joint planning area authorized under Chapter 233 of the 1987 Session Laws wherein the Town of Carrboro administers the State Building Code: (i) buildings in excess of 50 feet in height; (ii) nonresidential buildings containing at least 5,000 square feet of floor space area; (iii) buildings designed for assembly occupancy (as defined in the North Carolina State Building Code) that accommodate more than 25 people; or (iv) multifamily buildings that have three or more dwelling units. An ordinance adopted pursuant to this section may apply 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. [Amended by S.L. 1997, Ch. 407, Sec. 2.2]
- (b) Notwithstanding any provision in the North Carolina State Building Code or any other provision of law, the Board of Aldermen may adopt an ordinance requiring that sprinkler systems be installed in bars, clubs, and other places of public assembly that are designed for occupancy by 100 or more persons and that sell alcoholic beverages. The ordinance does not apply to restaurants. This ordinance may be made applicable to any new occupancy prior to issuance of a certificate of occupancy. The ordinance may also be made applicable to any existing occupancy at the end of a period of three years following the date of enactment of the ordinance. [Added by S.L. 2003, Ch. 237, Sec. 1(b)]

- (c) Notwithstanding any provision of the State Building Code or any public or local law to the contrary, including, but not limited to, Chapter 143 of the General Statutes, a town may require by ordinance the installation of sprinkler systems in all fraternity and sorority houses within the corporate limits of the town or within the town's extraterritorial planning jurisdiction, such installation to be completed, as provided in such ordinance, within a reasonable period of time, to be determined at the time of adoption of such ordinance, following the effective date of such ordinance. [This section was enacted as S.L. 1995, Ch. 571, Sec. 1. The act did not specifically amend the Carrboro Town Charter (S.L. 1987, Ch. 476) but is included here for the sake of completeness.]

Section 9-6. Stopwork Orders. The Board of Aldermen may provide in its land use ordinance that the land use administrator may issue stopwork orders whenever violations of the land use ordinance are discovered and the administrator concludes that irreparable injury will occur if the alleged violation is not terminated immediately. The ordinance shall provide for an expedited procedure whereby a stopwork order may be appealed to the board of adjustment. The ordinance may also provide that a violation of a stopwork order that has not been appealed or that has been upheld on appeal shall constitute a misdemeanor. [Added by S.L. 1989, Ch. 478, Sec. 2]

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, (ii) the planning board, or (iii) the appearance commission, or (iv) a historic preservation commission, established pursuant to G.S. 160A-400.7. [Amended by S.L. 1989, Ch. 706, Sec. 2.1]

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, organization, 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-400.9) 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. [Amended by S.L. 1989, Ch. 706, Sec. 2.2]

- (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.

Part 3. Joint Planning and Interlocal Agreements

Section 9-15. Joint Planning.

- (a) A city and a county may agree that, within a mutually agreed upon geographical area (hereinafter, the 'joint planning area)' all of the powers granted by this Article, including without limitation powers involving the exercise of legislative discretion, may be exercised by the city on behalf of the county, by the county on behalf of the city, or jointly by both the city and county. By way of illustration without limitation, a city and county may agree that, within a defined joint planning area, the city may adopt the text of a zoning or subdivision ordinance on behalf of the county and may administer and enforce such ordinance but that all

decisions establishing or amending the zoning classifications of properties shall be jointly determined by the two governing bodies.

- (b) Any agreement authorized under subsection (a) shall be reduced to writing and shall be ratified by resolution of the governing body of each unit that is a party to the agreement. The agreement shall specify:
 - (1) The area or areas within which the power specified in the agreement are to be exercised.
 - (2) The powers that are to be exercised and the manner in which the powers are to be exercised by the parties (i.e., one unit on behalf of another or jointly).
 - (3) The duration of the agreement.
 - (4) The methods for amending the agreement (including the area within which the agreement will be effective) and terminating the agreement.
- (c) If the city exercises any legislative or administrative powers or functions on behalf of the county under this section, then the agreement authorized under subsection (b) may provide for a means of representation of residents of the joint planning area in the same manner and to the same extent as representation of residents of an extraterritorial planning area is provided for under G.S. 160A-362.
- (d) In exercising any power or function authorized under an agreement adopted pursuant to the section, a city or county governing board or administrative agency may exercise that power or function in accordance with such boards or agency's regular procedures and voting requirements. [This section of the Carrboro Town Charter was enacted as S.L. 1987, Ch. 233., Sec. 1. The act did not specifically amend the Carrboro Town Charter (S.L. 1987, Ch. 476) but is included here for the sake of completeness.]

Section 9-16. Interlocal Agreements Limiting Annexation Authority.

- (a) The following terms shall have the meaning indicated when used in this section.
 - (1) 'Agreement'. An agreement authorized under subsection (b) of this section.
 - (2) 'Involuntary annexation.' Annexation authorized or undertaken pursuant to Parts 2 or 3 of this Article. [This provision refers to Parts 2 and 3 of the North Carolina Annexation Statute, G.S. Ch. 160A, Article 4A.]

- (3) ‘Voluntary annexation.’ Annexation authorized or undertaken pursuant to G.S. 160A-31, or Part 4 of this Article. [“Part 4” refers to Part 4 of the North Carolina Annexation Statutes, G.S. Ch. 160A, Article 4A.]
- (b) Two or more municipalities or one or more municipalities and one or more counties may enter into binding written agreements with each other to set forth areas or boundaries within which or beyond which one or more of the participating municipalities will refrain from engaging in annexation (voluntary, involuntary, or both). Such agreements shall be of reasonable duration, not to exceed 20 years.
- (c) Before engaging in involuntary annexation, a municipality that is a party to an agreement shall send to the chief administrative official of every other party to such agreement a copy of the notice of intent to annex territory specified in G.S. 160A-38(a) or 160A-49(a) (as applicable). Before engaging in involuntary annexation, a municipality that is a party to an agreement shall send to each other party to the agreement a copy of the statutorily required notice of public hearing on such proposed voluntary annexation. A failure to send the notice required herein shall render any annexation undertaken in disregard of this requirement null and void with respect to any property covered under an agreement.
- (d) If, on or before the date of a public hearing on voluntary annexation, an annexing municipality that is a party to an agreement receives from another party to such agreement a written statement protesting the proposed annexation on the basis of an alleged violation of such agreement, then an annexation ordinance adopted by the annexing municipality may not make the annexation effective sooner than 30 days following the date of the adoption of such ordinance.
- (e) Monetary damages shall not constitute a remedy for breach of any agreement. However, an alleged breach of such agreement may be redressed as provided in this subsection.
- (1) Any party to an agreement entered into under this section who believes that another party has adopted an involuntary annexation ordinance in violation of the agreement may appeal the annexation in the manner set forth in G.S. 160A-38 or G.S. 160A-50 (as appropriate), except that the petitioning party to such an agreement need not demonstrate material injury or prejudice beyond the violation of the agreement. If the court concludes that the agreement has been violated, it shall, in addition to any other appropriate remedy, remand the ordinance to the municipal governing board for amendment of the annexation boundaries to exclude the area included in violation of the agreement.
- (2) Any party to an agreement who believes that another party has adopted a voluntary annexation ordinance in violation of the agreement may, not later than 30 days after the adoption of any such ordinance, file a petition

in the superior court of the county in which the municipality is located seeking review of the action of the governing board adopting such ordinance.

- a. Such petition shall explicitly state what exceptions are taken to the action of the governing body and what relief the petitioner seeks. Within 5 days after the petition is filed with the court, the party seeking review shall serve copies of the petition by certified mail, return receipt requested, upon the annexing municipality.
- b. Within 15 days after receipt of the copy of the petition for review, or within such additional time as the court may allow, the municipality shall transmit to the reviewing court a copy of the annexation petition as well as a copy of the annexation ordinance and any other minutes or documents that constitute the record of the annexation procedure.
- c. The court shall fix the date for review of annexation proceedings under this Part, which review shall preferably be within 30 days following the date of the petition to the end that review shall be expeditious and without unnecessary delays. The review shall be conducted by the court without a jury. The court may hear oral arguments and receive written briefs, and may take evidence intended to determine whether there has been a violation of an agreement authorized under this section.
- d. If the court determines that there has been a violation of an annexation agreement, it shall declare the annexation null and void and may order any additional relief that appears appropriate.
- e. If an area that has been voluntarily annexed is the subject of an appeal to the superior court or appellate division on the effective date of the ordinance, then the ordinance shall be deemed amended to make the effective date with respect to such area the date of the final judgment of the superior court or appellate division, whichever is appropriate.

[This section of the Carrboro Town Charter was enacted as S.L. 1987, Ch. 233., Sec. 2. The act did not specifically amend the Carrboro Town Charter (S.L. 1987, Ch. 476) but is included here for the sake of completeness.]

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.

[Sections 10-2 through 10-10 relate to the passing of the 1987 Charter as S.L. 1987, Ch. 476]

Section 10-2. 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.

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

Section 10-3. 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)

Section 10-4. 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.

Section 10-5. 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.

Section 10-6. 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.

Section 10-7. 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.

Section 10-8. 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.

Section 10-9. 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.

Section 10-10. Effective Date. This act is effective upon ratification.

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

Robert B. Jordan, III [signature]
President of the Senate

Listen B. Ramsey [signature]
Speaker of the House of Representatives