

NORTH CAROLINA GENERAL ASSEMBLY
1969 SESSION

CHAPTER 660
HOUSE BILL 812

AN ACT TO REVISE AND REORGANIZE THE CHARTER OF THE TOWN OF
CARRBORO.

The General Assembly of North Carolina do enact:

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

THE CHARTER OF THE TOWN OF CARRBORO

CHAPTER I. ORGANIZATION AND POWERS

SUBCHAPTER A. INCORPORATION; CORPORATE POWERS AND
THEIR EXERCISE

Section 1.01. Incorporation and corporate powers.

The Town of Carrboro shall continue to be a body politic and corporate by the name of "Town of Carrboro". Under that name the Town shall continue to be vested with all of the property and rights of property which now belong to the corporation; shall have perpetual succession; may sue and be sued; may contract and be contracted with; may acquire and hold such property, real and personal, as may be devised, bequeathed, sold or in any manner conveyed or dedicated to or otherwise acquired by it, and from time to time may hold or invest, sell, or dispose of the same; may have a common seal and alter and renew the same at will and shall have and may exercise in conformity with this charter all municipal powers, functions, rights, privileges and immunities of every name and nature whatsoever.

Section 1.02. Exercise of power.

All powers, functions, rights, privileges and immunities of the Town, its officers, agencies, or employees, shall be carried into execution as provided by this charter. If this charter makes no provision, such powers, functions, rights, privileges and immunities shall be carried into execution as provided by ordinance or resolution of the Town board of aldermen and as provided by the pertinent general laws of the State.

SUBCHAPTER B. TOWN BOUNDARIES

Section 1.21. Existing town boundaries.

(a) The boundaries of the Town shall be those existing at the time of adoption of this charter with such alterations as may be made from time to time in the manner provided by law. As of the effective date of this charter, the said boundaries shall constitute the territory embraced within the following boundaries:

BEGINNING at a point on the existing Carrboro-Chapel Hill Corporate Limits Line, said beginning point being located N. 87 degrees 05' W. 155 feet from the northwest corner of the Lincoln School Property; running thence

with the new Chapel Hill Corporate Limits Line the following courses and distances; S. 87 degrees 05' E. 155 feet, S. 4 degrees 20' W. 300 feet, S. 5 degrees 32' W. 297 feet, S. 2 degrees 47' E. 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; running thence with the center line of Morgan Creek upstream about 220 feet to the Town of Carrboro–M. W. Andrews Property Line; running thence with the Town of Carrboro Sewage Treatment Plant property line and M. W. Andrews property line the following courses and distances; N. 3 degrees 12' W. 289 feet, N. 77 degrees 28' W. 172 feet, N. 1 degree 00' E. 298 feet, S. 89 degrees 00' E. 276 feet and N. 43 degrees 58' E. 103 feet to the center line of N.C. 54 By-Pass Highway; running thence with the center line of N.C. 54 By-Pass Highway in a westward and northwestward direction 9278 feet to the center line of N.C. 54 Highway; running thence with the center line of N.C. 54 Highway S. 65 degrees 45' E. 216 feet to the western right-of-way of the Duke Power Transmission Line; running thence N. 2 degrees 40' W. 770 feet with the western right-of-way line of the Duke Power Company Transmission Line to a point; running thence S. 87 degrees 19' E. 160 feet crossing the Duke Power Company Transmission Line and James Street to the northwest corner of Lot 38 of Plantation Acres Extension Subdivision, running thence with the various property lines of the lots herein described of the Plantation Acres Extension Subdivision recorded Plat Book 14, page 72, Orange County Registry the following courses and distances; N. 87 degrees 19' 29" E. 200 feet to the northeast corner of Lot 38; running thence N. 2 degrees 40' 31" W. 700 feet to the northeast corner of Lot No. 45; running thence S. 85 degrees 14' 31" E. 603.91 feet to the southeast corner of Lot No. 53; running thence N. 31 degrees 19' 29" E. 223.61 feet to the northeast corner of Lot No. 53; running thence N. 4 degrees 45' 29" E. 60 feet across Carol Street; running thence S. 85 degrees 14' 31" E. 50 feet to the southeast corner of Lot No. 9; running thence N. 4 degrees 45' 29" E. 200 feet to the northeast corner of Lot No. 9; running thence S. 85 degrees 14' 31" E. 225.7 feet to a point in the southern right-of-way line of Hillsboro Road, running thence N. 40 degrees 51' E. 60 feet across the Hillsboro Road to a point in the northern right-of-way line, continuing N. 40 degrees 51' E. 250 feet to a point; running thence in a southeast direction parallel to and 250 feet from the northern right-of-way line of Hillsboro Road 900 feet to a point; running thence in an eastern direction parallel to and 250 feet from the northern right-of-way line of North Greensboro Street 2150 feet to a point in the back property line of Lot No. 3, Block A, Orange County Tax Map No. 96 dated January 1, 1966 Revised;

running thence Northward 300 feet to a point on the back property line of Lot No. 6, Block A, Orange County Tax Map No. 96; and running thence Northeastward 900 feet along the back property lines of Lots 6, 7, 8, 9, 10, 11, Block A, Orange County Tax Map No. 96; running thence southeastwardly 880 feet to the center line of the north end of Walter's Road; running thence the following courses and distances; N. 75 degrees E. 225 feet; S. 50 degrees E. 75 feet; S. 5 degrees E. 240 feet; S. 73 degrees E. 550 feet, and N. 50 degrees E. 1041 feet to the center line of University Railroad; running thence with the center line of University Railroad 2500 feet in a southerly direction to a point; running thence S. 25 degrees 28' E. 1018 feet to the existing Northwest corner of the Town of Chapel Hill Corporate Limits; running thence with the western corporate limits line of the Town of Chapel Hill 5940 feet in a southern and western direction to the point of BEGINNING.

(b) The current town boundaries, at all times, shall be shown on a map, a written description or any combination thereof, to be retained permanently in the office of the town clerk and to be designated, as the case may be, "Map (or Description) of Carrboro Town Limits". Alterations in these boundaries shall be indicated by appropriate entries upon or additions to such map or description. Such entries or additions shall be made by or under the direction of the town manager. Photographic, typed or other copies of such map or description, certified by the town clerk, shall be admitted in evidence in all courts and shall have the same force and effect as would the original map or description.

(c) The town board of aldermen may provide for the redrawing of any such map. A redrawn map shall supersede for all purposes the earlier map or maps which it is designated to replace.

SUBCHAPTER C. CHARTER AMENDMENTS

Section 1.51. Incorporation of amendments.

(a) As soon as possible after the adjournment of each General Assembly, the town attorney shall present to the board of aldermen copies of all local laws relating to the property, affairs and government of the Town of Carrboro that were enacted by such General Assembly, whether or not in terms amending this charter, which he recommends be incorporated into this charter. Such recommendations may include suggestions for renumbering or rearranging the provisions of such laws, for providing titles and catchlines, and for such other changes in arrangement and form that do not change the law as may be thought necessary to implement the purposes of this Section.

(b) After considering the recommendations of the town attorney, the board of aldermen may provide for the incorporation of such laws into this charter.

(c) The purpose of this Section is to enable the Town to maintain at all times a current and accurate town charter, organized in clear and orderly fashion, and embracing all local laws relating to the property, affairs and government of the Town.

CHAPTER II. ELECTION PROCEDURES

SUBCHAPTER A. OFFICERS TO BE ELECTED

Section 2.01. Election and terms of aldermen and mayor.

(a) The voters of the Town shall elect in nonpartisan elections voting at-large: six aldermen and a mayor.

(b) The aldermen shall be elected for staggered terms of four years each, three aldermen to be elected at each biennial election to succeed those whose terms are expiring.

(c) The mayor shall be elected at each biennial election for a term of two years.

(d) The terms of all elected officials shall begin at the day and time prescribed by Section 3.05 of this charter for the taking of the oath of office, but all said officials shall serve until their successors are elected and qualified.

SUBCHAPTER B. REGISTRATION

Section 2.21. Appointment of registrars and judges of election; oaths of office; vacancies.

(a) The board of aldermen shall appoint a registrar and two judges of election for each election precinct, and shall publish notice of such appointments at least one time in a newspaper of general circulation in the town. The registrars and judges of election shall serve for terms of two years from the time of their appointment, or until their successors are appointed and qualified. Every registrar and judge of election shall be a resident of the precinct for which he is appointed. The appointments shall be made and the notice published not later than the fifth Saturday before the general municipal election, and the notice shall state the date of said general election.

(b) Each registrar and judge of election, before entering upon his duties, shall take before some person authorized by law to administer oaths, the oaths required by general law (now codified as G.S. 11-6, 11-7, and 163-164).

(c) If a vacancy occurs on the day of election in the office of registrar of any precinct, the same shall be filled by the judges of election of said precinct. If a vacancy occurs on that day in the office of a judge of election of any precinct, the same shall be filled by the registrar of said precinct. Vacancies in any of said offices occurring at any other time (or which cannot be filled pursuant to the preceding two sentences) shall be filled by the board of aldermen.

Section 2.22. Registration procedures.

(a) Each registrar shall be furnished at the expense of the Town with registration books, ballot boxes, and other necessary supplies. It shall be his duty to revise the registration books of his precinct prior to each election in such manner that said books shall show an accurate list of the electors previously registered in such precinct and still residing therein, without requiring such electors to be registered anew. He shall be empowered to delete from the said registration books the names of all persons known to him to be dead or to be no longer resident in the precinct.

(b) In addition to the regular review of the registration books by the registrars provided for in the preceding subsection, the town board of aldermen shall have the authority of a county board of elections to order the revision and purging of the registration books of any precinct. Any such revision and purging, if ordered by the board of aldermen, shall be conducted in the manner provided by general law for

revision and purging of registration books on order of the county board of elections (now codified as G.S. 163-23).

(c) The board of aldermen in its discretion may order a new registration of voters for the entire town or for one or more precincts. Unless a new registration is ordered, the election shall be held under the existing registration, with such revision as is herein provided for. If a new registration is ordered at least one notice thereof shall be published in a newspaper of general circulation in the town at least thirty days before the first day of such new registration.

(d) In all cases, whether for a new or regular registration, the registration books shall be opened (Sundays excepted) for the registration of voters at nine o'clock A.M. on the fourth Friday before the general municipal election, and shall be closed at five o'clock P.M. on the second Friday before the general municipal election. It shall be the duty of each registrar, between the hours of nine o'clock A.M. and five o'clock P.M. on each day during the period when the registration books are open, to keep open said books for the registration of voters residing within his precinct and entitled to registration. On each Saturday during the period of registration the registrar shall attend with his registration books at the polling place of his precinct, between the hours of nine o'clock A.M. and nine o'clock P.M., for the registration of voters.

(e) It shall be the duty of each registrar to attend the polling place of his precinct with the registration books on the second Saturday preceding the election, from the hour of nine o'clock A.M. till the hour of three o'clock P.M. On such day during said hours the registration books shall be open for the inspection of the electors of the town, and any of said electors shall be allowed to object to the name of any person appearing on said books. In case of any such objection, the registrar shall enter upon his books, opposite the name of the person so objected to, the word "Challenged", and shall appoint a time and place, before the election day, when he together with the judges of election shall hear and determine said objection. They shall give notice thereof, and shall hear and determine the challenge, under the rules and regulations prescribed for elections for members of the General Assembly (now codified in G.S. Chapter 163). Nothing herein contained shall prohibit any elector from challenging or objecting to the name of any person registered or offering to register at any time other than the above specified.

(f) No registration shall be allowed on the day of election, except that a person shall be allowed to register and vote if:

- (1) He gives satisfactory evidence to the registrar and judges of election that he has become qualified to register and vote since the registration books were closed for registration;
- (2) His name having been removed from the registration books pursuant to subsection (a) of this Section, he appears at the polling place on election day and satisfied the precinct officials that he is qualified to vote in that precinct; or
- (3) His name having been removed from the registration books pursuant to subsection (b) of this Section, he appears at the polling place on election day and gives satisfactory evidence to the precinct officials

that he had never received any notice by mail or otherwise of his name being placed among the list of disqualified voters in that precinct, and satisfied said officials that he is qualified to vote in that precinct.

Section 2.23. Use of county registrations. In lieu of the registration procedures provided for by Section 2.22 of this charter, the Town may use the registration books of Orange County under agreement with the board of county commissioners pursuant to general law (now codified as G.S. 163-31.3). In the event that the board of aldermen chooses to use the county registration books for any election or elections, then, for purposes of such election or elections: (1) the provisions of Section 2.21 of this charter shall remain applicable; but (2) the provisions of Section 2.22 of this charter shall not apply, and the existing county registrations shall be used without modification.

SUBCHAPTER C. NOMINATIONS

Section 2.41. Nominations of candidates for elective offices; preparation of ballots.

(a) Any person who desires to become a candidate for any elective office may file for said office with the town manager but not less than fifteen days prior to the holding of the town election by signing a certificate of nomination reading as follows:

Certificate of Nomination

I hereby file notice of my intention to be a candidate for the office of _____. I certify that I am now or at the time of the election will be a qualified voter and resident of the Town of Carrboro.

Signed _____

Date _____

(b) The manager shall cause the names of the persons so filing, and only such names, to be printed upon an official ballot which shall be in such form as the board of aldermen may determine and shall bear instructions to the voter as to the number of candidates to be voted for and the method of designating his choice. Beneath each printed name sufficient space shall be left so that another name may be substituted by writing it in. Having caused the ballots to be printed, the manager shall cause to be delivered at each polling place a number of ballots equal to at least five percent greater than the number of persons registered in the precinct.

SUBCHAPTER D. GENERAL MUNICIPAL ELECTION

Section 2.61. Time of general municipal election. The general election for members of the town board of aldermen and the mayor, herein referred to as the "general municipal election", shall be held on Tuesday after the first Monday in May biennially in odd-numbered years.

Section 2.62. Qualifications for voting. The qualifications for voting at a general municipal election shall be those required of an elector by the State Constitution.

Section 2.63. Conduct of election and counting of ballots.

(a) The registrar and judges of election shall open and close the polls, shall keep poll books in which shall be entered the name of every person who shall vote, and shall superintend and conduct the election, all in like manner as is provided by law

for election of members of the General Assembly (now codified as G.S. Chapter 163). The polls shall open and close at the same hours as provided by law for said elections of members of the General Assembly (now codified as G.S. 163-84 and 163-179). At the close of the election the registrar and judges for each precinct shall certify the poll books over their proper signatures and shall deposit the poll books and registration books with the town manager.

(b) At the end of the election, in each precinct the polls shall be closed, the ballot boxes opened, and the ballots counted by or under the supervision of the registrar and judges of election, in like manner as is provided by law for elections for members of the General Assembly (now codified as G.S. Chapter 163).

Section 2.64. Canvassing and declaration of results.

(a) The registrar and judges of election in each precinct shall appoint one of their number to serve as a member of the board of canvassers. The results of the counting of the ballots shall be embodied in a duplicate statement, one copy of which shall be placed in a sealed envelope and delivered to the precinct official appointed to attend the meeting of the board of canvassers, and one copy of which shall be delivered by one of the other precinct officials to the town manager immediately after the close of the precinct count.

(b) The members of the board of canvassers shall meet at 11:00 A.M. on the second day after the election at the town hall, and a majority of the members shall constitute a quorum. The board shall organize by the election of one of its number as chairman and one as secretary. Any member of the board who fails to deliver the certified returns from his precinct by 12:00 noon on the day of the board meeting shall be guilty of a misdemeanor, unless for illness or good cause shown for such failure. If any precinct returns have not been received by the board by 12:00 noon on the first day of this meeting, or if any returns are incomplete or defective, it shall have authority to dispatch an officer for the purpose of securing the proper returns for the precinct. The board may adjourn from time to time and thereafter reconvene.

(c) The board of canvassers shall, at their meeting, in the presence of such electors as choose to attend, open, canvass, and judicially determine the results, and shall make abstracts, stating the number of legal ballots cast in each precinct, the name of each candidate, and shall sign the abstracts in duplicate with their certificate as to the correctness of the abstracts. It shall have the power and authority to pass upon judicially all the votes relative to the election and judicially determine and declare the results of the same; upon its own motion to order or conduct a recount of the ballots in any precinct; to send for papers and persons and examine the latter upon oath; and to pass upon the legality of any disputed ballots transmitted to them by any precinct officer.

(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 necessary in addition 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 alderman (and, if necessary, the fifth and the sixth highest number of votes) shall be elected for said unexpired term or terms.

(e) If in any municipal election held under this Charter there shall be an equal number of votes cast for two or more persons, and the resulting tie must be resolved in order to determine the identity of the persons elected therein, decision shall be made by lot between the contesting persons in a manner prescribed by the board of aldermen.

(f) The board of canvassers shall transmit one copy of the certified abstract of the results to the mayor and shall file the other copy, together with the original precinct returns with the town manager. The manager shall publish the results at least once in some newspaper of general circulation in the town.

(g) If no election contest, appeal or recount is pending, the town manager within six days after the election shall furnish each of the officers who were elected a certificate of election under his hand and seal. At the same time he shall notify said officers to meet at the town hall at the time prescribed by Section 3.05 of this charter to be sworn into office.

(h) If an election contest, appeal or recount is pending, the manager shall furnish the certificates and notification within six days after the contest or appeal or the results of the recount have been finally determined.

SUBCHAPTER E. SPECIAL ELECTIONS

Section 2.81. Calling and conduct of special elections.

(a) The function of calling special elections within the town (other than school elections) shall be exercised exclusively by the board of aldermen. The board may call any such special election for any purpose authorized by law to be called within the town, and shall call any such special election required by law to be called within the town.

(b) Registrations made and elections held under the authority of the Municipal Finance Act shall be called and conducted, the ballots counted, and the results canvassed and proclaimed, as provided by said Act. All other special elections shall be conducted by the board of aldermen with registrars and judges of election appointed by the board; and registrations therefor shall be made, the ballots counted, and the results canvassed and proclaimed under the same rules and conditions as are provided by this Charter with respect to general municipal elections. Every special election, except as otherwise provided by law or by this Charter, shall be held on a date fixed by the board of aldermen.

SUBCHAPTER F. MISCELLANEOUS PROVISIONS

Section 2.101. General laws applying to town elections.

In all respects not provided for by this Charter all elections held pursuant to this Charter shall be conducted as prescribed by law for the election of members of the General Assembly. Wherever in such statutes appear the words "State Board of Elections" and "county board of elections" shall be deemed to be written "board of aldermen", and wherever appear the words "chairman of county board of elections" shall be deemed to be written the words "town manager". Nothing herein contained, however, shall be construed as providing for the designation of candidates' political party affiliations on municipal election ballots, nor as authorizing absentee registration

or absentee voting by voters in the armed forces of the United States or by any other voters in any such elections.

Section 2.102. Designation of precincts and polling places.

For the purpose of elections held under this Charter, the board of aldermen may establish, define, provide, re-arrange and combine one or more voting precincts and polling places within the town. Notice of alteration of existing precinct lines or polling places shall be given as provided by the general laws governing election of members of the General Assembly (now codified as G.S. 163-22). As nearly as may be practicable, the board shall make the precinct lines and polling places designated for elections held under this Charter conform to those designated within the town for elections of members of the General Assembly, but failure to make such precinct lines and polling places so conform shall not affect the validity of any election.

Section 2.103. Use of voting machines. The board of aldermen may conduct any general municipal or other election using voting machines approved by the State Board of Elections instead of paper ballots under applicable rules of the State Board of Elections, which rules shall prevail in the event of conflict with this charter.

CHAPTER III. MAYOR AND BOARD OF ALDERMEN

SUBCHAPTER A. BOARD OF ALDERMEN: COMPOSITION, QUALIFICATIONS, COMPENSATION

Sec. 3.01. Composition of governing body. The governing body of the Town of Carrboro shall consist of a mayor and a six-member board of aldermen, who shall be elected in the 1967 manner provided by Chapter II of this Charter. The board of aldermen shall constitute the legislative body of the municipality.

Sec. 3.02. Qualifications of elected officers. (a) No person shall be eligible to be elected as mayor or alderman unless he is a qualified voter and resident of the Town for six months.

(b) No person elected to the board of aldermen, whether he qualify or not, shall during the term for which he was elected, be appointed to any other position or office of trust or profit under the town government. However, when a vacancy exists or shall occur in the office of mayor, an alderman shall not be debarred from selection as mayor for the unexpired term.

Sec. 3.03. Vacancies in elected offices. If any elected town officer shall fail or refuse to be qualified, or if there is a vacancy in any elective Town office after qualification, or if the holder of any such office be unable to discharge the duties of his office, the board of aldermen shall choose some person to fill the vacancy until the next general municipal election or to serve in the office during the disability, as the case may be. A person selected to fill a vacancy in the office of mayor shall serve for the unexpired term. A person selected to fill a vacancy in the office of alderman shall serve until the next general municipal election, at which time a person shall be elected to fill the unexpired term (if any) or as successor, as the case may be.

Sec. 3.04. Compensation of governing body. The mayor and each alderman shall receive as compensation for his services an amount fixed by the board of aldermen. In addition thereto, they may be reimbursed for actual and necessary travel

expenses incurred by them in the performance of their official duties, as allowed by the board, not exceeding the amount permitted by general law.

Sec. 3.05. Oaths of office. Each newly elected or appointed alderman and mayor before entering upon his duties shall take and subscribe before the town clerk an oath to perform faithfully the duties of his office and the oaths of office required by general law (now codified as G.S. 11-6 and 11-7). The newly elected officers shall meet at the town hall for the purpose of taking such oaths at the time of the next regular meeting of the board of aldermen following the date of their election. A person appointed to fill a vacancy in any elective office shall take the oaths at the next aldermen's meeting following his appointment. Any person who is not present at the time and place provided for by this section may take the oaths at any time thereafter. In the absence of the clerk, the oaths may be administered by any other person authorized by law to administer oaths of office.

SUBCHAPTER B. BOARD OF ALDERMEN: ORGANIZATION AND PROCEDURES

Sec. 3.21. Organizational meeting. The organizational meeting of each board of aldermen shall be the next regular meeting following the date of the election of its members, and following the taking of the oaths of office by the newly elected town officers. The board shall choose from its members a mayor pro tem, who shall hold office for a term of two years. The organization of the board shall take place notwithstanding the absence, death, refusal to serve or nonelection of one or more members; provided, that at least four of the persons entitled to be members are present and (if necessary) take oath. An alderman serving as mayor pro tem shall be entitled to vote on all matters and, unless otherwise provided by this Charter, shall be considered an alderman for all purposes (including the determination of whether a quorum is present).

Sec. 3.22. Regular and special meetings. (a) The board of aldermen shall fix suitable times for its regular meetings. The mayor, the mayor pro tem, or any two members of the board may at any time call a special meeting by signing a written notice stating the time and place of the meeting, which notice shall be delivered to each member or left at his usual dwelling place at least six hours before the meeting. Meetings of the board may also be held at any time when all members of the board are present and consent thereto or when those not present have signed written waiver of notice. Except as otherwise provided by law, any business may be transacted at a special meeting that might be transacted at a regular meeting.

(b) Except where otherwise specifically provided by this Charter, the board of aldermen shall have authority to determine the time and place of board meetings, to make such provisions as it may deem wise relative to regular, special, adjourned and continued meetings, to adopt rules of procedure, and generally to regulate the time, place, manner and method of the exercise of its powers. No ordinance, resolution, rule or directive may be adopted, amended or repealed, however, except in a public meeting. All meetings of the board shall be held at the town hall, unless the board otherwise provides. In the event the board is authorized or required by law to hold a joint meeting with the governing body of another municipality or political subdivision

of the State of North Carolina, it may at its election meet with the other governing body at a designated place within the area subject to the jurisdiction of the other governing body.

Sec. 3.23. Quorum; votes. (a) A majority of the members of the board of aldermen shall constitute a quorum to do business.

(b) No member shall be excused from voting except upon matters involving the consideration of his own official conduct or involving his financial interest. In all other cases, a failure to vote by a member who is present or who, having been present, has withdrawn from the meeting without being excused, shall be deemed an affirmative vote and shall be so recorded. A member who has withdrawn from a meeting without being excused shall be counted as present for purposes of determining whether or not a quorum is present.

SUBCHAPTER C. BOARD OF ALDERMEN: POWERS AND DUTIES

Sec. 3.41. General powers of board of aldermen. (a) The government of the Town and the general management of the Town shall be vested in the board of aldermen, except that the town manager shall have the powers hereinafter specified.

(b) In addition to other powers conferred upon it by law, the board of aldermen may adopt and provide for the execution of such ordinances, rules and regulations, not inconsistent with this Charter, as may be necessary or appropriate to protect health, life or property, or to preserve or promote the comfort, convenience, security, good order, better government or general welfare of the Town or its inhabitants; may enforce the same by imposing penalties on such as violate them; and may compel the performance of the duties imposed upon others, by suitable penalties.

SUBCHAPTER D. BOARD OF ALDERMEN: ORDINANCE PROCEDURE

Sec. 3.61. Applicable general laws. Except as otherwise herein provided, the adoption, amendment, repeal, pleading and proving of ordinances shall be governed by provisions of general law applying to cities.

Sec. 3.62. Adoption of ordinances and resolutions. The affirmative vote of three of the members of the board of aldermen shall be necessary to adopt any ordinance or resolution.

Sec. 3.63. Code or compilation of ordinances; proving of ordinance. (a) The board of aldermen may adopt and provide for the issuance and distribution of a codification or compilation of the town ordinances. Any such code or compilation may consist of two separate parts, the "General Ordinances" and the "Technical Ordinances". The technical ordinances may be published in sections and may include ordinances regarding the construction of buildings, the installation of plumbing or electric wiring or gas or oil appliances or equipment, and use of the public sewerage system, the zoning ordinance, the privilege license tax ordinance, and other technical ordinances designated as such by the board. The board may provide for the omission from the code or compilation of designated classes of ordinances which, in its judgment, need not be included because of their limited interest or transitory nature.

(b) Any of the following shall be admitted in evidence in all courts and shall have the same force and effect as would an original ordinance:

- (1) An official code or compilation of ordinances which: (i) sets forth the ordinances in question; (ii) is reproduced by the process of printing, mimeographing, photoduplication, or similar process; (iii) is issued as a securely bound book or books with or without periodic, separately bound supplements; and (iv) is certified by the town clerk, both as to the original volume or volumes and the supplements, as having been adopted by the Board of Aldermen.
- (2) An official code or compilation of ordinances which meets the requirements of items (i) and (ii) of paragraph (1), above, but which is issued as a loose-leaf book or books and is certified by the clerk as having been prepared and maintained pursuant to action by the board of aldermen.
- (3) A photographed, typed or other copy of an ordinance, as set out in the minute books of the board of aldermen or as set out in an official code or compilation of ordinances, certified by the clerk as a true copy.

The burden of pleading and proving the existence of any modification or repeal of an ordinance, a copy of which has been duly pleaded or submitted in evidence, shall be upon the party asserting such modification or repeal.

(c) The official copy of the Carrboro code (or compilation) of ordinances, whether said code or compilation is issued in bound or loose-leaf form, shall be kept in the office of the clerk, and shall be certified by the clerk and designated as the official copy as adopted by the board. It shall be the duty of the clerk to insert at the appropriate places in any loose-leaf code or compilation all amending or supplementing ordinances, and to extract from said code or compilation all provisions which from time to time may be repealed by the board of aldermen.

Sec. 3.64. Codification of certain zoning, traffic and related ordinances by appropriate entries upon official map books. (a) The board of aldermen may provide that any one or more classes of ordinances concerning the matters enumerated in subsections (b) and (c) of this section shall be codified by appropriate entries upon official map books to be retained permanently in the office of the town clerk. Such entries shall be made by or under the direction of some official designated by the board. In conjunction with the introduction of every proposed ordinance concerning any of these matters, a map of the affected area shall be presented to the board, but failure to present such a map shall not affect the validity of the ordinance.

(b) The ordinances referred to in subsection (a) include all ordinances establishing or amending boundaries of any zoning district under zoning regulations.

(c) The ordinances referred to in subsection (a) include also all ordinances:

- (i) Designating the location of official traffic control devices;
- (ii) Designating areas or zones where restrictions, prohibitions or other controls are applied with respect to parking, loading, bus stops, and taxicab stands;
- (iii) Establishing speed limits;

- (iv) Designating the location of through streets, stop intersections, yield right-of-way intersections, waiting lanes, one-way streets, and truck traffic routes; and
- (v) Establishing restrictions, prohibitions or other controls upon vehicle turns at designated locations.
- (d) Photographic copies of any part of such official map books, certified by the clerk, shall be admitted in evidence in all courts and shall have the same effect as would the original map book.

SUBCHAPTER E. MAYOR

Sec. 3.81. Powers and duties of mayor. (a) The powers and duties of the mayor shall be such as are conferred upon him by this Charter or by general law, together with such others as may be conferred by the board of aldermen pursuant to law.

(b) The mayor shall preside at all meetings of the board of aldermen, but shall have the right to vote only in case of a tie. He shall be recognized as the official head of the town by the courts for the purpose of serving civil process and by the public for all ceremonial purposes. He shall have the power to administer oaths.

Sec. 3.82. Mayor pro tem. During the disability of the mayor or his absence from the Town, the functions of his office shall devolve upon the mayor pro tem. The mayor pro tem shall preside at all meetings of the board of aldermen in the absence of the mayor.

CHAPTER IV. ADMINISTRATIVE OFFICES POWERS AND PROCEDURES

SUBCHAPTER A. CREATION AND FUNCTIONS OF DEPARTMENTS, OFFICES AND OTHER AGENCIES IN GENERAL

Sec. 4.01. Offices, positions, departments and other agencies continued by charter or created by board of aldermen. (a) The following offices and positions, in addition to those provided for by Chapter III of this Charter, are hereby continued by this Charter: town manager, town clerk, and town attorney.

(b) The board of aldermen may create, change, abolish, and consolidate offices, positions, departments, boards, commissions, and agencies other than those established or continued by the preceding subsection. The board by ordinance may assign additional functions or duties to offices, positions, departments and agencies established or continued by this Charter (and may revise their titles accordingly), but may not discontinue or assign elsewhere any functions or duties assigned by this Charter to a particular office, position, department or agency.

SUBCHAPTER B. TOWN MANAGER

Sec. 4.21. Town manager: appointment, qualifications, term, compensation and oath. (a) The board of aldermen shall appoint a town manager, who shall be the administrative head of the town government, and shall be responsible for the administration of all town departments. He shall be appointed with regard to merit only and need not be a resident of the town when appointed.

(b) The town manager shall hold office during the pleasure of the board of aldermen, and he shall receive such compensation as it may fix by ordinance.

Sec. 4.22. Town Manager: powers and duties. The town manager shall (1) be the administrative head of the town government and, as such, shall be responsible for the administration of all town offices, positions and departments, created by or under this Charter; (2) see that within the jurisdiction of the Town the laws of the State and the ordinances, resolutions and regulations of the board of aldermen are faithfully executed; (3) attend all meetings of the board and recommend for adoption such measures as he shall deem expedient; (4) make reports to the board from time to time upon the affairs of the Town, and keep the board fully advised of the Town's financial condition and its future financial needs; and (5) supervise the work of all department heads, officers and employees of the Town, unless otherwise provided in this Charter.

SUBCHAPTER C. PERSONNEL

ARTICLE 1. APPOINTMENTS AND REMOVALS

Sec. 4.41. Appointment, removal and supervision of department heads and employees by town manager. The town manager, except as otherwise provided in this Charter, shall appoint and may suspend and remove all town employees and heads of town departments and offices. The manager shall report to the board of aldermen every such appointment, suspension and removal of a department head at the next board meeting following the appointment, suspension or removal.

Sec. 4.42. Appointment and removal of members of boards and commissions. Except as otherwise provided by this Charter and notwithstanding any other provision of law, the board of aldermen shall appoint and may suspend and remove:

- (1) All members of boards and commissions which are created pursuant to this Charter, unless the board of aldermen provided to the contrary;
- (2) All members of boards and commissions who are subject to appointment by the board of aldermen at the time of adoption of this Charter, unless the board of aldermen provides to the contrary; and
- (3) All members of any town board or commission created pursuant to any law enacted after the adoption of this Charter, unless said law provides to the contrary.

Sec. 4.43. Absence or disability. (a) The town manager may (1) designate a deputy or deputies to perform the functions of any town officer or department head subject to appointment by the manager whenever such officer or department head is absent from the town, sick, or otherwise unable to act; and (2) from time to time designate deputies to perform the functions of such officers or department heads during particular absences or disabilities.

(b) The board of aldermen may exercise the powers set forth in the preceding subsection with respect to any official subject to appointment by it.

ARTICLE 2. COMPENSATION, PERSONNEL POLICIES

Sec. 4.51. Classification and compensation of employees and officers. The town manager shall be responsible for the preparation of position classification and pay plans which shall be submitted to the board of aldermen for approval. Said plans may apply to all employees of the Town and of any of its agencies and offices (including elective offices). Salaries of employees shall be fixed by the manager within salary

ranges approved by the board of aldermen. Salaries of department heads and other officers shall be fixed by the board after recommendation of the manager.

Sec. 4.52. Personnel policies. The board of aldermen may adopt rules and regulations, consistent with applicable laws: (1) concerning annual leave, sick leave, hours of employment, and holidays; and (2) concerning other personnel policies (including policies relating to working conditions). Said rules and regulations may apply to all employees of the Town and of any of its agencies and offices (including elective offices and judicial agencies).

ARTICLE 3. MISCELLANEOUS

Sec. 4.61. Official bonds. The officers and employees of the Town of Carrboro, both elective and appointive, shall execute such official bonds in such amounts and upon such terms and conditions as the board of aldermen may from time to time require.

SUBCHAPTER D. FINANCES AND FISCAL MATTERS

Sec. 4.111. General authority to levy and collect taxes. To raise revenue for defraying expenses incident to the proper government of the Town, the board of aldermen may annually levy and collect (1) a tax on real and personal property and on all other property subject to taxation; (2) a tax on all businesses, trades, professions, avocations, privileges, and franchises, carried on or enjoyed within the Town; and (3) any other taxes permitted by general law.

Sec. 4.112. Levy, collection and payment of property taxes. (a) Except as otherwise herein provided, property taxes shall be imposed and collected in the manner provided by general law.

(b) Property taxes shall become due and payable on the date provided by general law. Interest shall be charged for late payment, and discounts may be allowed for prepayment of taxes, in the amounts and during the periods covered by general law.

Sec. 4.113. Additional remedies for collection of privilege license taxes. In addition to any other civil or criminal remedy available to enforce the collection of privilege license taxes, the Town may employ the remedies of levy upon personal property, attachment and garnishment, in the manner of and subject to the limitations provided in G.S. 105-385(c) through (g).

SUBCHAPTER E. PROCUREMENT AND PROPERTY MANAGEMENT

ARTICLE 1. CONTRACTING, PURCHASING AND PROPERTY MANAGEMENT PROCEDURES

Sec. 4.131. Contracting procedures; authentication of documents. (a) No contract shall be binding upon the Town of Carrboro unless it is either (1) made by or pursuant to ordinance or resolution of the board of aldermen; or (2) reduced to writing and approved by the board; or (3) authorized by ordinance or resolution specifically referring to a particular contract or generally referring to a class of contracts which may be executed by a designated official or officials on behalf of the Town.

(b) Except where otherwise provided by law, all contracts, licenses and other public documents of the Town shall be signed by the town manager or some person designated by him and shall be authenticated by the town clerk. The manager shall file with the board of aldermen a written memorandum of any designation by him

of a person to sign documents, and such memorandum shall be recorded in the minutes of the board.

(c) In all respects not provided for by this Charter, formal requirements concerning the making and execution of contracts by the Town shall be governed by general law.

ARTICLE 2. SALE AND DISPOSITION OF PROPERTY

Sec. 4.141. Conveyances with covenants of warranty. (a) The board of aldermen is hereby authorized to execute and deliver conveyances to any property, whether acquired by tax or assessment foreclosure or otherwise, with full covenants of warranty whenever in its discretion it is to the best interest of the Town to convey by warranty deed.

(b) Members of the board of aldermen are hereby relieved of any personal or individual liability by reason of the execution of any such conveyances with covenants of warranty.

Sec. 4.142. Quitclaims of Town property. The Town may quitclaim any rights it may have in property not needed for public purposes upon report by the town manager and adoption of a resolution by the board of aldermen, both finding that the property is not needed for public purposes and that the interest of the Town has no readily ascertainable monetary value.

Sec. 4.143. Conveyance to abutting owners of small parcels of land cut off from town-owned tracts by street improvements. 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 or boundary 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 said cut-off or separated parcel or tract of land to an abutting or adjoining property owner or owners in exchange for rights-of-way for said street, avenue, alley or public place or in settlement of any alleged damages sustained by said 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.

SUBCHAPTER F. OTHER DEPARTMENTS, OFFICES AND AGENCIES

ARTICLE 1. TOWN CLERK

Sec. 4.161. Town clerk: appointment and functions. (a) The board of aldermen shall appoint biennially at its organizational meeting an official who shall have the title of town clerk.

(b) The town clerk shall:

- (1) Give notice of meetings of the board of aldermen;
- (2) Keep a journal of the proceedings of the board;
- (3) Record in a book kept for the purpose all ordinances and resolutions;
- (4) Be the custodian of all town records; and
- (5) Perform such other duties as are prescribed by law or by this Charter, or as shall be required by the board of aldermen or the town manager.

ARTICLE 2. TOWN ATTORNEY

Sec. 4.171. Town attorney: appointment and functions. The board of aldermen shall appoint biennially at its organizational meeting a town attorney, shall prescribe his duties and fix his rate of compensation.

ARTICLE 3. POLICE AND FIRE ADMINISTRATION

Sec. 4.181. Powers and duties of chief of police and policemen. The chief of police and each member of the police force shall have the powers of peace officers vested in the sheriffs and constables, for the following purposes: for the purpose of enforcing applicable state laws, town ordinances and regulations, of preserving the peace of the Town, or suppressing disturbances and apprehending offenders, and for serving civil process. Such powers may be exercised within the corporate limits of the Town upon town real property wherever located, and as allowed by the General Statutes of the State.

Sec. 4.182. Powers of firemen on duty during fires. The fire chief and his assistants, while on duty during fires, shall have the powers conferred upon police officers by Section 4.181 of this charter, and are authorized to make arrests without warrants for interference with or obstructions to their operations.

CHAPTER V. PLANNING AND REGULATORY FUNCTIONS

SUBCHAPTER A. ANIMALS AND BIRDS

Section 5.01. Bird Sanctuary.

(a) The territory within the corporate limits of the Town of Carrboro is hereby declared to be a bird sanctuary.

(b) It shall be unlawful for any person to kill, trap, or otherwise take any bird within the corporate limits of the Town of Carrboro except English sparrows, crows, starlings, pigeons, and domesticated fowls. Any person violating the provisions of this section shall be guilty of a misdemeanor and, upon conviction, shall be punished as a violation of an ordinance.

SUBCHAPTER B. FIREWORKS, EXPLOSIVES, AND WEAPONS

Section 5.21. Use and sale of weapons and explosives.

The board of aldermen may prohibit or regulate the firing of guns, pistols, crackers, gunpowder, or other explosive, combustible or dangerous materials in the streets, public grounds or elsewhere within the town, and govern the sale thereof.

SUBCHAPTER C. MOTOR VEHICLES AND TRAFFIC

Section 5.41. Location of traffic control devices.

(a) The board of aldermen may authorize an official to designate the location of any or all official traffic control devices, upon a determination by him in each case:

- (1) If such a device is to be installed by him at a particular location, that its installation is necessary in order to control traffic congestion in the interest of public safety;
- (2) If such a device is to be moved or removed from a particular location, that the device is no longer required at such location for the control of traffic congestion in the interest of public safety.

An "official traffic control device", as used in this section, is a sign, signal, marking, or device, including a parking meter, which is intended to regulate vehicular or pedestrian traffic.

(b) Whenever an official traffic control device is installed, moved or removed pursuant to the preceding subsection, such action shall be reported in writing at the next regular meeting of the board of aldermen. Unless such action is reversed by the board, a notation thereof shall be made in the minutes of the board or made by or under the direction of the town manager on a map or record book or any combination thereof maintained for that purpose. Any such map or record book shall be retained permanently in the office of the town clerk and shall be designated, as the case may be, as "Map (or Record Book) of Location of Official Traffic Control Devices". Typed, photographic or other copies of any part of such map or record book or minute entry, certified by the town clerk, shall be admitted in evidence in all courts and shall have the same effect as would the original map or record book or minute book.

(c) For purposes of enforcement, the installation or moving or removing of a traffic control device pursuant to subsection (a) shall take effect immediately when such a device is installed, moved or removed. The location of a traffic control device may be proved by the testimony of the official who designated its location in any case where an offender is brought to trial before a notation concerning the traffic control device in question has been made pursuant to subsection (b).

(d) The installation or moving or removing of a traffic control device pursuant to the provisions of this section shall have the force and effect of an ordinance and failure to obey any such device shall be punishable as a violation of an ordinance.

Section 5.42. Obstruction of alleys.

If, in the opinion of the board of aldermen, a fire hazard is created by the obstruction of private alleys, the board may adopt regulations governing the obstruction of private alleys, either by reason of the parking of motor vehicles or otherwise.

SUBCHAPTER D. OCCUPATIONAL AND BUSINESS LICENSING AND REGULATION

Section 5.41. General powers of board of aldermen to regulate occupations and businesses.

The board of aldermen is authorized to regulate or to license any occupations, businesses, trades, or forms of amusement or entertainment in the interest of the public health, welfare, order or safety, and to prohibit such as may be inimical to the public health, welfare, order or safety.

SUBCHAPTER E. PLANNING, ZONING, BUILDING REGULATIONS AND RELATED MATTERS

ARTICLE 1. PLANNING AND ZONING.

Section 5.81. Authority of Town of Carrboro.

For the purpose of promoting the orderly growth, expansion, and development of the Town of Carrboro and the surrounding territory hereinafter defined, and for the purpose of promoting the health, safety, morals, and general welfare of the citizens of the Town and of the territory and community beyond and surrounding the territorial limits of said town, as hereinafter defined, the board of aldermen is hereby

authorized and empowered to exercise any planning, zoning, building regulation, and subdivision-control powers conferred upon the Town and vested in the board by this charter and by Article 14 of the General Statutes of North Carolina, or any other statute applicable to the Town of Carrboro, not only within the corporate limits of the Town of Carrboro but also within the territory and community beyond and surrounding such corporate limits as hereinafter defined in Section 5.82. Such powers may be exercised to the same extent and according to the same procedure as are applicable to the exercise of planning, zoning, building regulation and subdivision-control powers within the corporate limits of the Town of Carrboro. Such powers shall specifically include, but shall not be limited to, the power to adopt such ordinances and regulations as may be considered necessary or expedient by said governing body to regulate, control and restrict (a) the height, number of stories, and size of buildings and other structures, (b) the percentage of a lot that may be occupied, (c) the size of yards, courts, and other open spaces, (d) the density of population, (e) the location and use of buildings, structures, and land for trade, industry, residence, or other purposes, and (f) the construction of buildings and of electrical plumbing systems contained therein.

Section 5.82. Extraterritorial boundaries.

The boundaries of the territory within which the board of aldermen may exercise the aforesaid powers shall be all territory allowed by the General Statutes at the time of adoption or any later date and also those boundaries authorized by Chapters 122 and 636 of the Session Laws of 1963.

Section 5.83. Planning board.

The board of aldermen shall by ordinance create a planning board whose members shall be appointed as follows: Five members shall be appointed by the board of aldermen and shall be citizens and residents of said town; five members shall be appointed by the Orange County Board of Commissioners and shall be citizens and residents of the territory beyond and surrounding the territorial limits of the Town of Carrboro, as defined by this Article. This planning board shall be empowered to exercise the powers, duties, and functions of a municipal planning board, as defined in Sections 160-22 to 160-24 of the General Statutes, and of a municipal zoning commission, as defined in Article 14 of Chapter 160 of the General Statutes. Members shall be appointed for five-year terms and until their respective successors have been appointed and qualified; provided, that the initial appointees may be appointed to shorter terms of varying duration, to the end that the terms of no more than two members shall expire in any one year. The jurisdiction of this board shall include all of the area defined in Section 5.82 hereof, including both territory within the corporate limits of the Town of Carrboro and the outside territory over which the Carrboro board of aldermen is granted jurisdiction by this Article.

Section 5.84. Zoning board of adjustment.

The board of aldermen shall create a zoning board of adjustment whose members shall be appointed as follows: Five members shall be appointed by the board of aldermen and shall be citizens and residents of said town; five members shall be appointed by the Orange County Board of Commissioners and shall be citizens and residents of the territory beyond and surrounding the territorial limits of the Town of

Carrboro, as defined by this Article. Such board of adjustment shall have and exercise all of the powers, duties, and functions enumerated in Section 160-178 of the General Statutes. Members shall be appointed for terms of three years and until their respective successors have been appointed and qualified; provided, that the initial appointees may be appointed to shorter terms of varying duration, to the end that the terms of no more than four members shall expire in any one year. There shall be a quorum of five members for the purpose of hearing cases. The concurring vote of four-fifths of the members present for the hearing of any case shall be necessary in order (a) to reverse any order, requirement, decision or determination of any administrative official charged with enforcement of the ordinance or (b) to decide in favor of the applicant any matter upon which it is required to pass under any such ordinance or (c) to effect any variation in such ordinance.

Section 5.85. Building inspector.

The board of aldermen may appoint a building inspector to enforce in the area surrounding the corporate limits of the town any regulations adopted pursuant to this Article. Such inspector may be the same as the building inspector serving within such town limits.

Section 5.86. Public hearings.

The board of aldermen shall enact no ordinance or ordinances under the provisions of this Article without first holding a public hearing as provided in Section 160-175 of Article 14 of the General Statutes. No further public hearings with respect to the adoption of such ordinance shall be necessary.

Section 5.87. Powers supplementary.

The powers granted to the board of aldermen by this Article are intended to be supplementary to any powers which have heretofore been granted, or which may hereafter be granted, to it under other provisions of law. The exercise of the powers granted by this Article shall be within the discretion of the board of aldermen. Unless and until the board exercises these powers, this Article shall have no effect upon any existing or future ordinances of the Town of Carrboro. The adoption of any ordinance under the authority of this Article shall have no effect upon any litigation which is pending at the time of such adoption.

Section 5.88. Separability.

If any Section, subdivision, clause, or provision of this Article shall be adjudged invalid, such adjudication shall apply only to such Section, subdivision, clause, or provision so adjudged, and the remainder of the article shall be deemed valid and effective.

ARTICLE 2. SUBDIVISION CONTROLS

Section 5.101. Board of aldermen as platting authority.

The board of aldermen is hereby authorized to enact an ordinance regulating the platting and recording of any subdivision of land as defined by this Article lying within the said municipality or within the area defined by Article 1 of this subchapter.

Section 5.102. Procedure for adopting subdivision ordinance.

Before the board of aldermen shall adopt a subdivision control ordinance or any amendment thereto under the provisions of this Article, it shall hold a public hearing on

the proposed ordinance. A notice of such public hearing shall be given once a week for two successive calendar weeks in a newspaper circulated in the Town of Carrboro.

Section 5.103. Procedure for filing plat.

The board of aldermen may adopt an ordinance regulating the subdivision of land as authorized herein, and thereafter no subdivision plat shall be filed or recorded until it shall have been submitted to and approved by said board and such approval entered in writing on the plat by the town clerk. A copy of such ordinance shall be filed with the register of deeds of Orange County. The register of deeds upon receipt of such ordinance shall not hereafter file or record a plat of a subdivision of land located within the territorial jurisdiction of the board of aldermen without the approval of such plat by the board as required in this Article. The owner of land shown on a subdivision plat submitted for recording, or his authorized agent, shall sign a statement on the plat stating whether or not any land shown hereon is within the territorial jurisdiction of the Town of Carrboro as defined herein. The Register of Deeds of Orange County shall not order or direct the recording of a plat where such recording would be in conflict with this Section.

Section 5.104. Subdivision regulations.

(a) Prior to exercising the powers granted to it by this Article, the board of aldermen shall by ordinance adopted pursuant to this Article adopt regulations governing the subdivision of land within its platting jurisdiction as defined in Section 5.101. Such ordinance shall require that at least a preliminary plan of every proposed subdivision shall be submitted for study, recommendation, and tentative approval, to the Planning Board for Carrboro and environs created and appointed under the authority of Sections 160-22 to 160-24 of the General Statutes and Article 1 of this subchapter.

(b) Such ordinance may provide for the orderly development of the town and its environs; for the coordination of streets within proposed subdivisions with existing or planned streets or with other public facilities; for the dedication or reservation of right-of-way or easements for street and utility purposes; and for the distribution of population and traffic which shall avoid congestion and overcrowding; and which shall create conditions essential to public health, safety, and general welfare.

(c) Such ordinance may include requirements for the final plat to show sufficient data to determine readily and reproduce accurately on the ground the location, bearing and length of every street and alley line, lot line, easement boundary line, and other property boundaries, including the radius and other data for curved property lines, to an appropriate accuracy and in conformance with good surveying practice.

(d) Such ordinance may include requirements as to the improvement and grading of streets and construction and installation of street pavements, and surface water drainage as a condition precedent to the approval of the plat. In addition, such ordinance may require the installation of water and sewer facilities so as to conform to town ordinances now or hereafter enacted regulating water and sewer extensions and installation as a condition precedent to the approval of the plat. The board of aldermen shall provide that the plat be tentatively approved before any such improvements and installations may be undertaken.

(e) Such ordinance may provide that in lieu of the completion of such improvements and installations prior to the final approval of a plat, the board of aldermen may accept a bond, in an amount and with surety and conditions satisfactory to it, providing for and securing to the town the actual construction and installation of such improvements and utilities within a period specified by the board and expressed in the bond; and the town is hereby granted the power to enforce such bonds by all appropriate legal and equitable remedies. Such ordinance may provide that for subdivisions within the corporate limits the board may in lieu of requiring a bond or the completion of such improvements and installations prior to the final approval of a plat, provide for an assessment under Article 9 of G.S. Chapter 160 or other statutory authorization whereby the town may make said improvements and installations at the cost of the owners of the property within the subdivisions.

Section 5.105. Effect of plat approval on status of dedications.

The approval of a plat by the board of aldermen shall not be deemed to constitute or effect the acceptance by the town or public of the dedication of any street or other ground, public utility line, or other public facility shown upon the plat.

Section 5.106. Penalties for transferring lots in unapproved subdivisions.

After the board of aldermen adopts an ordinance regulating the subdivision of land as authorized herein, any person who, being the owner or agent of the owner of any land located within the platting jurisdiction granted to the town by Section 5.101, thereafter transfers or sells such land by reference to a plat showing a subdivision of such land before such plat has been approved by said board and recorded in the office of the Orange County register of deeds, shall upon conviction be guilty of a misdemeanor, and the description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties. The Town, through its town attorney or other official designated by the board of aldermen, may enjoin such transfer or sale by action for injunction.

Section 5.107. Definitions.

For the purpose of this Article, the following definitions shall apply: SUBDIVISION. A "Subdivision" shall include all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose, whether immediate or future sale, or building development, and shall include all divisions of land involving the dedication of a new street or a change in existing streets; provided, however, that the following shall not be included within this definition nor be subject to the regulations authorized by this Article: (1) the combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the town as shown in its subdivision regulations; (2) the division of land into parcels greater than five acres where no street right-of-way dedication is involved; (3) the public acquisition by purchase of strips of land for the widening or opening of streets; (4) the division of a tract in single ownership whose entire area is no greater than two acres into not more than three lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the town as shown in its subdivision regulations.

Section 5.108. Powers granted herein supplementary.

The powers granted to the Town of Carrboro by this Article shall be deemed supplementary to any powers heretofore or hereafter granted by its charter, by general law or by local act for the same or a similar purpose, and in any case where the provisions of this Article conflict with or are different from such charter, general law or local act provisions, the board of aldermen may in its discretion proceed in accordance with such charter, general law, or local act provisions, or, as an alternative method, in accordance with the provisions of this Article.

ARTICLE 3. BUILDING REGULATIONS

Section 5.121. Fire limits.

The board of aldermen may establish in the said town fire limits with such boundaries as they may determine, within which it may prescribe by general rules or specific permits, the kind of buildings which may be erected, so as to provide against accidents by fire, and may prohibit the erection of wooden buildings within the same. It may also provide for the inspection of all buildings now erected or hereafter to be erected and condemn such as are unsafe or dangerous to life or limb by reason either of their defective construction or dilapidation, and may notify the owner or owners to remove or repair such as are condemned within thirty days. If the owner or owners shall refuse to remove or repair the same, or shall neglect to do so, for the space of thirty days, the board of aldermen shall have the power to remove the same, which expense shall be a lien on the lot, and the owner or owners shall be liable for all such loss as may be incurred by the board, and the board shall not be liable for damages.

Section 5.122. Building setback lines.

(a) For purposes stated in subsection (b) of this Section the board of aldermen is hereby authorized (1) to classify the streets of said Town according to their sizes, present and anticipated traffic loads, and other characteristics relevant to the achievement of said purposes, and (2) to establish, by ordinance, minimum distances which buildings constructed along each class or type of street shall set back from the right-of-way line of the street or from the center line of the street.

(b) Any setback lines established under the authority of this Section shall be designed (1) to promote public safety, by providing adequate sight distances for motorists using the street, lessening congestion in the street, facilitating the movement of traffic on the street, and providing adequate fire lanes between buildings, and (2) to promote the public health, by keeping dwellings and other structures an adequate distance from the dust, noise, and fumes created by traffic on the street and by insuring an adequate supply of light and air.

Section 5.123. Power to destroy property to stop fires.

The mayor, the town manager, or the chief of the fire department may order the blowing up, tearing down or other destruction of any building when it is deemed necessary to stop the progress of a fire. No person shall be held liable, civilly or criminally, for acting in obedience to orders thus given, nor shall the town, the mayor, the manager, or the fire chief be held liable, civilly or criminally, for the giving of such orders or for damages to property ordered destroyed.

CHAPTER VI. TOWN SERVICES AND FACILITIES

SUBCHAPTER A. STREETS, SIDEWALKS AND RELATED IMPROVEMENTS

Section 6.01. Street maintenance; sidewalk paving and maintenance.

The board of aldermen may require the owner of or lessee of the land abutting upon any sidewalks to repair same at such owners' or lessee's expense, and to require that the same be kept in good passable condition; or it may require the owners of property at the owner's expense to improve said property by the construction of sidewalks and paved streets, to include curb and gutter, catch basins and necessary storm drainage so as to conform to the construction standards set forth by town policy. Upon the failure of the owner, after due notice to make such improvements, such work may be done by the Town, and the cost thereof assessed against the lot immediately abutting said improvement, and such assessment shall be a lien against such abutting lot, collectible as and when the taxes for the next fiscal year are due.

SUBCHAPTER B. WATER SUPPLY, SEWAGE AND WASTE DISPOSAL, AND OTHER UTILITIES

Section 6.21. Sewer rentals and assessments.

The board of aldermen shall have the authority to charge and collect a sewer or water rental fee on all houses connected with the municipal sewer or water system, and to levy special assessments as is provided by general law, which rentals and assessments are hereby declared a lien against the property served and the officer charged with the collection of the same shall have the power to collect by distress and sale as provided herein for the collection of ad valorem taxes.

Section 6.22. Extension of sewer system beyond town limits.

(a) The board of aldermen is authorized and empowered to extend the sewer and water systems of the Town of Carrboro outside and beyond the town limits of the Town so that the residents of the territory surrounding the town may be provided with sewer and water services. To that end it is authorized and empowered to construct sewer and water systems outside of the limits of the Town and to acquire by purchase or gift any sewer or water system now in existence or hereafter to be constructed within the service area of Carrboro.

(b) The board of aldermen shall have the authority to charge and collect a sewer or water rental or fee on all houses or dwellings connected with such extension or extensions of the sewer or water systems of the Town beyond the limits of the Town, and to levy special assessments as is provided by the general law, which rentals and assessments shall be deemed, and are hereby declared a lien against the property served, and the officer charged with the collection of the same shall have the power to collect by distress and sale as provided herein for the collection of ad valorem taxes.

SUBCHAPTER C. ASSESSMENTS FOR LOCAL IMPROVEMENTS GENERALLY

Section 6.41. Assessment policy of board of aldermen.

Without regard to the limitations stated in G.S. 160-85 or in any other provision of law, the board of aldermen acting for the Town may assume such proportion of the total cost of local improvements (including street improvements,

sidewalk improvements, curb and gutter, and water and sewer improvements, or any one or more of them) as the board may from time to time deem appropriate.

CHAPTER VII. MISCELLANEOUS

Section 8.01. Definitions.

As used in this charter, unless the context indicates to the contrary:

The term "Town" means the Town of Carrboro, Orange County.

The term "board" means the board of aldermen of the Town of Carrboro.

The term "manager" means the town manager of the Town of Carrboro.

The term "clerk" means the town clerk of the Town of Carrboro.

The term "GS" means the General Statutes of North Carolina.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be effective upon ratification.

In the General Assembly read three times and ratified, this the 30th day of May, 1969.