

March 9, 2009

S 475. AMEND CARRBORO CHARTER/CONSERVE ENERGY/WATER. Filed 3/9/09. *TO AMEND THE CHARTER OF THE TOWN OF CARRBORO TO AUTHORIZE THE BOARD OF ALDERMEN TO ADOPT ORDINANCES THAT PROHIBIT DEED RESTRICTIONS, COVENANTS, EQUITABLE SERVITUDES, OR ANY SIMILAR BINDING AGREEMENTS THAT WOULD PROHIBIT THE INSTALLATION OF SOLAR COLLECTORS, CLOTHESLINES, RAIN BARRELS, GARDEN FENCES, OR ANY OTHER DEVICES DESIGNED TO GENERATE OR CONSERVE ENERGY THROUGH THE USE OF RENEWABLE RESOURCES OR TO CAPTURE, STORE, OR REUSE WATER.*

Amends the Carrboro Town Charter, Section 10 of SL 1987-476, to enact new Section 10-2 as the title indicates. Also provides that an ordinance adopted under the new section may not prohibit the adoption or enforcement of any deed restriction, covenant, equitable servitude, similar binding agreement, or any rule or regulation adopted by a property owners association designed to ensure that any device is installed and maintained in a way that does not pose a health or safety risk. Provides that an ordinance adopted under the new section does not apply to any condominium created under GS Chapter 47C. Allows the ordinance to provide for enforcement using any of the means authorized by GS 160A-175 (Enforcement of ordinances). Allows aggrieved individuals to seek equitable relief against the enforcement of any deed restriction, covenant, equitable servitude, or similar binding agreement that is prohibited by ordinance, and provides that the court may award costs and reasonable attorneys' fees to the prevailing party.

Intro. by Kinnaird.

ORANGE

April 21, 2009

S 475. AMEND CARRBORO CHARTER/CONSERVE ENERGY/WATER. Filed 3/9/09. Senate committee substitute makes the following changes to 1st edition. Deletes proposed language in new Section 10-2 in Article 10 of the Carrboro Town Charter, SL 1987-476, which authorized the board of aldermen to adopt an ordinance that would declare void and unenforceable any deed restriction, covenant, equitable servitude, or similar binding agreement that prohibits installation of certain devices designed to generate or conserve energy or to capture, store, or reuse water. Instead, allows the board of aldermen to adopt an ordinance that provides for the orderly installation of solar collectors, clotheslines, rain barrels, garden fences, or any further technology designed specifically to generate or conserve energy through the use of renewable resources or to capture, store, or reuse water, so long as such installation is done by or on behalf of a person who otherwise has a property right to install such device. Authorizes that the ordinance may provide for review and approval or denial of homeowners' association legal documents, including restrictive covenants, for compliance with the ordinance as a part of granting or denying approval of a subdivision. Adds that an ordinance must not prohibit the adoption or enforcement of any deed restriction, covenant, equitable servitude, similar binding agreement, or any rule or regulation adopted by a property owners association affecting a common area. Deletes that individuals aggrieved by a violation of an adopted ordinance may seek equitable relief against the enforcement of any deed restriction, covenant, equitable servitude, or similar binding agreement that is prohibited by ordinance.

Changes the effective date to October 1, 2009, and applies to deed restrictions, covenants, or similar binding agreements that run with the land recorded on or after that date (was, when the act becomes law).

Changes the title to *AN ACT TO AMEND THE CHARTER OF THE TOWN OF CARRBORO TO AUTHORIZE THE BOARD OF ALDERMEN TO ADOPT ORDINANCES FOR THE ORDERLY INSTALLATION OF ENERGY-SAVING AND WATER-SAVING DEVICES.*

June 24, 2009

S 475. AMEND CARRBORO CHARTER/CONSERVE ENERGY/WATER. Filed 3/9/09. House committee substitute makes the following changes to 2nd edition. Amends proposed new Section 10-2 of Article 10 of SL 1987-476 to prohibit an ordinance adopted under the Section from prohibiting a deed restriction, covenant, equitable servitude or other binding agreement or other rule or regulation that regulates the location or screening of an energy-generating, energy-saving,

or water-saving device, provided that the binding agreement or rule does not prevent the reasonable use of the device. Also adds that if the provisions of the section conflict with GS 160A-201 or GS 22B-20, then the provisions of the section control. Makes organizational changes.

August 5, 2009

SL 2009-427 (S 475). AMEND CARRBORO CHARTER/CONSERVE ENERGY/WATER.
AN ACT TO AMEND THE CHARTER OF THE TOWN OF CARRBORO TO AUTHORIZE THE BOARD OF ALDERMEN TO ADOPT ORDINANCES FOR THE ORDERLY INSTALLATION OF ENERGY-SAVING AND WATER-SAVING DEVICES. Summarized in *Daily Bulletin* 3/9/09, 4/21/09, and 6/24/09. Enacted August 5, 2009. Effective October 1, 2009.