

## Memorandum

**TO:** Rep. Jonathan C. Jordan and Sen. Andy Wells—Co-Chairs of the Joint Legislative Administrative Procedure Oversight Committee

Rep. James L. Boles, Jr., Rep. Ted Davis, Jr., and Sen Shirley B. Randleman--- Co-Chairs of the Joint Legislative Oversight Committee on Justice and Public Safety

**FROM:** G. Nicholas Herman (General Counsel for the Town of Carrboro) and Brady Herman

**DATE:** September 27, 2018

**RE: Response to the Requirements set forth in Section 3 of Session Law 2018-69 (House Bill 379) for the Town of Carrboro, N.C.**

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Attached is the response of the Town of Carrboro, North Carolina to the requirements set forth in Section 3 of Session Law 2018-69 for local governmental units. The attached document contains a list of all the Town of Carrboro's ordinances that create criminal offenses pursuant to G.S. 14-4(a), with brief descriptions of the prohibited conduct. Additionally, there is a link to Carrboro's website for the ordinances summarized.

If you have any questions about this Memorandum, please contact either Nick Herman by email at [herman@broughlawfirm.com](mailto:herman@broughlawfirm.com), or Brady Herman at [bherman@broughlawfirm.com](mailto:bherman@broughlawfirm.com), at The Brough Law Firm, tel: (919)-929-3905. Also, please acknowledge receipt of this Memorandum and its sufficiency in complying with Session Law 2018-69, Section 3.

## **Chapter 5- General Offenses<sup>1</sup>**

Section 5-2—Housing Discrimination: Prohibits real estate brokers, agents, and salespersons from discriminating against a person based their race, color, religion, sex, or national origin by denying them the opportunity to purchase, rent, or otherwise acquire residential real property.

Section 5-3—Specific Discriminatory Practices: Prohibits discriminating against a person because of their race, color, religion, sex, or national origin (1) by refusing to sell, rent, or otherwise deny a dwelling; (2) in the terms, conditions or privileges of sale or rental of a dwelling; (3) by representing that any dwelling is not available for inspection, sale or rental when such dwelling is in fact so available; (4) by inducing any person to sell or rent a dwelling by representations regarding the entry into a neighborhood. Advertising or publishing any notice or statement with respect to the sale or rental of a dwelling that indicates any preference or discrimination based on race, color, religion, sex, or national origin.

Section 5-4—Housing Discrimination by Banks: Prohibits any bank, building and loan association, insurance company, or other entity who is in the business of making real estate loans to deny any person, owner, lessees or occupants of a dwelling who applies for a loan or other financial assistance to purchase, construct or improve the dwelling because of the persons race, color, religion, sex, or national origin.

Section 5-11—Noise Generally: Prohibits the emission of noise on private property that is loud enough to frighten, seriously disturb, or pose danger a danger to a person's health or if the noise enumerates from the street or other pubic property and is louder or of greater duration that is reasonably necessary for the performance of some lawful public or private function.

Section 5-12-- Particular Noise: Prohibits the emission of noises discussed in 5-11 in the following ways: (1) designated noises on private property such as radio, television or electronic devices that interfere with a church, school, or library; (2) attracting attention by way of drum or loud speaker of any performance, show, or other commercial ventures; (3) during certain times of the day such as after 11:00pm and in certain locations; (4) the creation of unnecessary noises in connection with the operation of motor vehicles such as horns, mufflers, racing engines, or sounds from a car that can be heard within 100 feet of more of the vehicle.

Section 5-13—Discharge of Firearms and Air Rifles: Prohibits the discharging of firearms or any like instrument used to eject a pellet within the Town limits. Includes parents who knowingly permit their child to violate this section. Does not apply to police officers acting within the scope of their duties or private citizens who are justified in using self-defense.

Section 5-14—Operation of Public enterprise Without Franchise: Prohibits operating or continuing to operate any public enterprise within the Town limits without first obtaining a franchise from the Town.

Section 5-15--- Limitation on Campaign Contributions for Town Offices: Prohibits contributions in excess of \$250 to any candidate for the office of mayor or alderman by a person, political committee, or other entity. Does not apply to contributions made by candidate's close family members.

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<sup>1</sup> <https://www.townofcarrboro.org/DocumentCenter/View/101/Chapter-5---General-Offenses-PDF?bidId=>

Section 5-16—Public Urination and Defecation: Prohibits urinating or defecating on any public place or public property. The same holds true to private property, however, permission from a private property owner in lawful possession will be an affirmative defense.

Section 5-17---Begging or Soliciting Alms by Intimidation: Prohibits begging or soliciting alms or contributions with the intent to intimidate another person, or otherwise engage in conduct that would cause a reasonable person to fear imminent bodily harm, into giving money or goods that he or she would not have done otherwise.

Section 5-18--- Consumption and Possession of Open Containers of Alcohol on Public Property: Prohibits consuming or possessing open containers of malt beverages or unfortified wines on any property owned by the Town except: (1) Town sponsored events, (2) authorized by the Town pursuant to applicable policies for the reservation and use of Town facilities, or (3) the sampling of alcoholic beverages at the Town Commons during regular business hours of the Farmers Market according to certain standards and regulations set by the Town.

Section 5-19---Fences Required Around Outdoor Pools: Requires fences around all residential and non-residential outdoor swimming pools, spas, and hot tubs within the Town limits. The barrier must be approved by a building inspector and comply with the specifications set forth in Appendix D of Volume 7 of the North Carolina Building Code.

Section 5-20---Application of Nutrients to Two Acres or More of Land Area: Prohibits the application of any nutrients, including fertilizer, bio solids, or compost, to any land area more than two acres in size unless: (1) the person has attended and completed nutrient management training provided by either the N.C. Cooperative Extension Service or the N.C. Division of Water quality, and has obtained a certificate from that training entity; (2) the person works under the direct supervision of someone who has attended and completed such training; (3) the application of nutrients are applied in accordance with a nutrient management plan prepared and approved by N.C. Cooperative Extension Services; or (4) the application of nutrients are applied in accordance with a nutrient management plan provided by a particular set of publications that have been formally approved and listed by the Town.

Section 5-32--- Illicit Discharges: Prohibits the discharging of any pollutant by a person, or from the property under such person's control, into a storm sewer system, stream, pond or lake, either: (1) directly; or (2) indirectly by wind, stormwater, or otherwise.

5-33--- Illicit Connections: Prohibits any person to cause, suffer, or permit on the property under such person's control any illicit connection to a storm sewer system. This prohibition includes connections of drains or lines that convey sewage, process wastewater, or water from washing machines, commercial vehicles, steam cleaning, indoor sinks or flood drains.

5-34—Inspections of Illicit Discharges or Connections: Prohibits any person from obstructing or interfering with a Town officer, agent, or employee engaged in the lawful performance of making inspections and otherwise enforcing sections 5-32 and 5-33.

## **Chapter 6—Motor Vehicles and Traffic**<sup>2</sup>

Section 6-28.1---Jogging at Night Without Reflective Clothing: Prohibits running or jogging at nighttime in the roadway of any street or along the shoulder within 5 feet of any street without wearing reflective clothing or a reflective device.

Section 6-28.2---Solicitation of Business from Motor Vehicles: Prohibits selling goods to, displaying for the sale of goods, or soliciting business from persons driving or occupying vehicles on the streets, sidewalks or within the right-of-way of any of the streets identified and designated by the Town in the Code of Ordinances.

Section 6-28.3---House Moving: Prohibits moving or causing to move a house on, along, or across any public street without obtaining a permit from the Town administrator. The permit application and fee must be made within 14 days of the proposed move, including a travel plan designating the time, proposed route, and location of the proposed move.

## **Chapter 7—Streets and Sidewalks**<sup>3</sup>

Section 7-1--- Obstructions: Prohibits obstructions or the impediment of travel by placing or leaving an object in the Town's public streets or sidewalks. Applies to partial obstructions includes sidewalk sales for goods, wares, or merchandise unless a permit is issued by the administrator in accordance with set length and time requirements set by the Town. Does not apply to temporary obstructions caused by construction work with proper warning devices.

Section 7-2--- Overhanging or Protruding Trees, Shrubs, Fences: Prohibits causing or allowing (1) any tree, shrub, fence, or other obstruction on private property to overhang onto a public street or public sidewalk at a certain distance and length designated by the Town; or (2) any grass, vines, weeds, or other vegetation on private property to grow over, across, or onto any public street or sidewalk. Violations will be declared a public nuisance and if not corrected within 7 days after being notified, the Town may abate such nuisance.

Section 7-3--- Drainage-Related Interference with Sidewalks: Prohibits causing or permitting gutters, ditches, or drain pipes to be constructed on property in a way that water runs across public sidewalks. Property owners abutting concrete, brick, or other permanently improved public sidewalks must grade such property or construct a retaining wall as to prevent the washing of materials onto the Town's sidewalks.

Section 7-4--- Warnings Required for Obstructions: Any person engaging in work or construction that creates any dangerous condition or obstructions in a public street, sidewalk, or right-of-way must place barricades and warning signs or devices in order to warn and give notice to the general public.

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<sup>2</sup> <https://www.townofcarrboro.org/DocumentCenter/View/102/Chapter-6---Motor-Vehicles-and-Traffic-PDF?bidId=>

<sup>3</sup> <https://www.townofcarrboro.org/DocumentCenter/View/103/Chapter-7---Streets-and-Sidewalks-PDF?bidId=>

Section 7-5--- Depositing Injurious Materials on Streets: Prohibits throwing or depositing any materials or substances likely to injure any person, animal or vehicle. If any materials are deposited into a public street they must be removed immediately, or otherwise will be in violation.

Section 7-6---Snow and Ice Removal: All occupants of commercial buildings or owners of residential buildings of more than 2 dwelling units must clear snow, ice, or other similar obstructions in front of paved sidewalks or paved parking lots intended for customers, employees or residents at the earliest time possible, and as soon as weather permits.

Section 7-7---Maintenance of Drainage Swales: Owners of every lot or owners who lease to a single tenant are responsible for mowing and otherwise maintaining the drainage swales running along a street so that it can continue to serve its proper drainage functions.

Section 7-11---Driveways: Prohibits constructing, altering, or relocating any driveway across any public sidewalk or into any street, or cut any curb for such purpose without first obtaining a written permit from the Town administrator. After reviewing the driveway construction and design plans, Town administrator must issue a permit unless the construction of the driveway will substantially interfere or pose danger to (1) persons using the street or sidewalk intersected by the driveway, (2) public facilities, (3) or fails to comply with the Town's requirements regarding size, location, and depth of the driveways. Any person who receives a driveway permit is responsible for repairing any damage to the sidewalk or street caused by the construction. This provision does not apply to driveways that open into state-maintained streets if the state has otherwise approved the driveway.

Section 7-12---Excavations: Prohibits the digging into or excavating any public street or sidewalk within the Town without first obtaining a written permit from the Town administrator. Any person who receives an excavation permit is responsible for putting the street or sidewalk in as good of a condition prior to the excavation. This provision does not apply to any excavation made in state-maintained streets, so long as permission is granted by the state and notice is given to the Town administrator 48-hours before work begins.

Section 7-17—Permit Required for Street or Other Public Events: Prohibits running, operating, or sponsoring any public event without obtaining a permit from the Town administrator prior to the event. Applicants must submit a permit application form containing the proper information designated by the Town administrator either (1) 90 days before the public event if it is not conducted for the exercise of first amendment freedoms; or (2) 36 hours before the public event if the event is conduct pursuant to the exercise of first amendment freedoms.

Section 7-23(d)—Standards for Issuing Permits: All permits issued by the Town administrator for any public event are strictly construed in accordance with the terms of the permit, including any conditions attached thereto.

Section 7-25--- Sponsor Responsible for Cleanup: The sponsor of a public event shall be responsible for the cleaning, removing of all temporary obstructions, and returning the area where the event took place to the general condition that existed prior to the event.

Section 7-38—Permits Required for the Care and Protection of Trees: Without first obtaining a written permit issued by the Town administrator, prohibits (1) planting, removing, cutting down, or destroying any tree or shrub on public property; (2) placing or maintaining upon the ground on public property any

impervious matter or substance in a manner as to obstruct the access of air and water to the roots of any tree or shrub.

## **Chapter 8—Trades and Businesses**<sup>4</sup>

Section 8-41---License Required for Insulation: Prohibits the installing, altering, or restoring for consideration within the Town any insulation or energy utilization equipment designed or intended to meet the requirements of the State Building Code without applying for a license to the Town administrator. This provision does not apply to (1) General Contractors licensed under the General Statutes, (2) persons working under the supervision of a registered architect or professional engineer, or (3) an owner working upon his own building.

Section 8-51---Taxicab Privilege License Required: Prohibits conducting or running a taxi cab business and having a permanent office or headquarters within the Town without being issued a privilege license.

Section 8-52--- Taxicab Operators Permit: Prohibits operating a motor vehicle as a taxicab without applying and obtaining taxicab operators permit from the Town administrator.

Section 8-53---Taxicabs to Display Required Information: All drivers of any taxicab must visibly display to their passengers the taxicab operators permit, a photograph of the driver, and the schedule of fares.

Section 8-61---Commercial Solicitation Permit Required: Prohibits engaging in door-to-door commercial solicitation without a valid permit by people who were exempt from obtaining a privilege license. This applies to door-to-door salesman including, *inter alia*, (1) those engaging in the sale of books, ice, wood for fuel, dairy products, meats, livestock, or other articles produced by the vendor for sale; (2) persons engaging exclusively in interstate commerce by collecting orders for goods, magazines, periodicals, or other merchandise produced outside the State.

Section 8-62---Application Requirements: In order to obtain a permit required in section 8-61, the solicitor must comply with the application requirements set forth by the Town administrator, including: identification, standard personal information, type of services or products being sold, length of time for the permit not to exceed 60 days, application fee, and pass a proper criminal background check.

Section 8-63—Exemptions: The permit requirement in section 8-61 for door-to-door solicitations does not apply to (1) delivery of goods or services that have been ordered for delivery; (2) lawful distribution of advertising materials; (3) lawful promotion or the expression of political, social, or religious views; (4) solicitation of contributions for non-profit organizations; or (5) the sale or delivery of goods to a business establishment.

Section 8-70 thru 8-77—Regulation of Smoking: Prohibits smoking in public places or areas designated by the Town, including, but not limited to, elevators, restrooms, common areas in residential facilities, busses and taxicabs, business or commercial facilities, sports facilities, healthcare facilities, and educational facilities. The owner of every public place where smoking is prohibited must conspicuously post signs at the entrance of the establishments to give reasonable notice of the smoking ban. A person

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<sup>4</sup> <https://www.townofcarrboro.org/DocumentCenter/View/104/Chapter-8---Trades-and-Businesses-PDF?bidId=>

in violation of the Towns smoking regulations will not be subject to criminal penalties unless the violation occurs in an area where signs have been posted, or the violator persists to smoke after being informed by any person that smoking is unlawful in the location in question.

Section 8-78 thru 8-78.3--- Towing of Motor Vehicles from Private Property: Those who are engaged in the business of towing motor vehicles from private property at the request of someone who is not the owner or operator must (1) release the vehicle to the owner if they arrive prior to the vehicle being attached to the tow truck and charge no fee; (2) notify the Town police department that the vehicle has been removed from the location within 30 minutes after a vehicle has been placed at the storage site; (3) accept fees charged for towing and storage services by either cash, credit or debit card; and (4) must provide a receipt for each payment at the time the payment is made by the owner who retrieves the vehicle.

Section 8-78.4---Signs for Towing Fees: Prohibits those who are engaged in the business of towing motor vehicles from privately owned parking lots or areas from charging a fee unless the property from which the vehicle is towed has signs that (1) warn that vehicles parked on the property will be in violation of parking restrictions and towed at the owners expense; and (2) state that towing operators are required to accept payment by major debit or credit card for vehicle towing and storage services fee. This provision does not apply to a driveway or parking area on a single lot designed to serve up to four dwelling units or other areas of private property that is not intended for the parking of motor vehicles.

## **Chapter 9—State of Emergency**<sup>5</sup>

Section 9-5(b)--- Effect of Proclamation; Curfew: Prohibits any person within the area affected by a curfew as authorized by the Mayor described in the proclamation of a state of emergency from (1) buying, selling, or otherwise transfer or dispose of any explosives, firearms ammunition, or dangerous weapons of any kind; (2) possessing, consuming, or selling beer, wines, or other intoxicating beverages of any kind off his own premises; or (3) traveling upon any public street or highway or upon public property unless such person is in search of food or medical assistance, or such person is engaging in the performance of some function necessary to preserve the public health, safety, or other emergency.

## **Chapter 11—Solid Wastes and Scrap Materials**<sup>6</sup>

Section 11-5--- Burning or Burying Solid Wastes: Prohibits burning, causing to burn, bury or causing to bury any garbage or solid waste for purposes of disposal.

Section 11-6--- Scarp materials: Prohibits the accumulation of scrap materials on any premises in that it causes a danger to the health, safety, and welfare of the Towns citizens, or otherwise depreciates the

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<sup>5</sup><https://www.townofcarrboro.org/DocumentCenter/View/106/Chapter-9---State-of-Emergency-PDF?bidId=>

<sup>6</sup> <https://www.townofcarrboro.org/DocumentCenter/View/108/Chapter-11---Solid-Wastes-Scrap-Materials-Abandoned-Vehicles-and-Weeds-PDF?bidId=>

property values or causes a loss of business by detracting from the appearance and character of residential and commercial neighborhoods.

## **Chapter 12—Fire Protection**<sup>7</sup>

Section 12-2---Riding on Fire Department Apparatus: Prohibits riding upon any fire engine, wagon or apparatus other than a member of the fire department or by permission of the officer in command.

Section 12-3---Congregating at Fires: Prohibits congregating in areas adjacent to a fire as to interfere with the operations of the members of the fire department while executing their duties.

Section 12-4---Tampering with or Shutting Off Fire Hydrants: Prohibits any person from tampering, removing, or opening or shutting off any fire hydrant in the Town without consent of the Town manager. If a person does receive permission from the Town manager, they must inform the fire chief immediately. This provision includes the Orange Water and Sewer Authority and any of its employees or agents.

Section 12-11--- Fire Lanes: Requires owners or occupants of buildings used for residential purposes to have designated fire lanes, per the determinations by the fire chief, and in accordance with the dimensions and locations prescribed in the Town code. The fire lanes must be clearly marked according to the requirements by the Town code and the fire chief, and free from obstructions so that fire fighting vehicles and other emergency vehicles have adequate access to the buildings.

Section 12-14---Automatic Sprinkler Systems: Required in (1) all fraternity and sorority houses with the Town; (2) any building designed, intended, or used as multi-family residential buildings containing three or more attached housing units; (3) nonresidential buildings of at least 5,000 but less than 6,000 square feet of floor area unless the buildings are equipped with smoke detectors in accordance with the Standards of the National Fire Protection Association and tied into a central alarm system; (4) non-residential buildings containing 6,000 or more square feet of floor areas; (5) all buildings in excess of 50 feet in height; and (6) all buildings that are designed, intended, or used for occupancy of 100 or more people. Must be approved by the building inspector and fire chief, inspected annually, located on the street side of each building, and have a certified alarm monitoring service.

Section 12-15---Maintenance of Aluminum Wiring Connections: Requires owners of all rental residential dwellings that use aluminum wiring to be responsible for (1) ensuring that once a year all switch and receptacle plates are removed and electrical connections are tightened to all terminals on the panel box; and (2) certify to the town fire prevention officer that such owner is in compliance with this section.

Section 12-16---Smoke Detectors Required: All owners of rental residential units must install or ensure that a smoke detector is installed in the dwelling unit in accordance with the designated provisions provided by the Town code, including: the type, manner, number, and locations. The owner(s) is responsible for the installation and maintenance of the required smoke detectors and must test that they are in working order at every change of tenancy if the occupation is of one-month or more. The

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<sup>7</sup> <https://www.townofcarrboro.org/DocumentCenter/View/109/Chapter-12---Fire-Protection-PDF?bidId=>

owner must keep a written record of the maintenance and all battery replacements. The tenants are prohibited from tampering with the smoke detectors as to make them inoperable.

Section 12-17—Mulch Piles and Pine Straw: Prohibits causing, suffering, or permitting any mulch pile on any premise to be larger than eight feet in height or covers more than 400 square feet of ground area. If a mulch pile of 200 cubic feet or more, which requires a permit under the Town Code, it must be separated from other mulch piles at a distance of at least fifty feet. Prohibits storing or placing any pine straw with a fire rate of more than 12 inches per minutes within ten feet of any building with combustible exteriors.

## **Chapter 13--- Cemeteries**<sup>8</sup>

Section 13-3--- Burial Only in Cemeteries: Prohibits burying any deceased body within the Town limits other than a church cemetery, a governmental operated cemetery, or a private cemetery licensed or exempted under Article 9 of G.S. Chapter 65 of the NC Cemetery Act.

Section 13-4--- Disruptive Activity: Prohibits in any cemetery (1) driving any motor vehicle in any cemetery unless they are driven upon the main roads provided for vehicular traffic; (2) parking or driving any motor vehicle unless in attendance at a burial service or otherwise engaged in activities consistent with the use of a cemetery; (3) dogs, horses, or other animals unless accompanied by a blind person; (4) intentionally disrupting any funeral service by loud or boisterous conduct; (5) the discharging of firearms unless a funeral involves military service; (6) posting any political or commercial advertising; (7) engaging in any recreational activities.

Section 13-7—Hours of Operation: Prohibits entering any Town cemetery at any time other than from sunrise until sunset.

Section 13-8--- Trees, Plantings, Landscaping: Prohibits planting, pruning, or removing any tree, shrub, flower, grass, or other plant from any Town cemetery without the consent and at the direction of the cemetery administrator.

Section 13-14--- Speculation in Burial Rights: Prohibits purchasing, acquiring, selling, or exchanging any burial right for profit or gain.

Section 13-17--- Mausoleums: Prohibits the building of any structures on any lot within the Town's cemeteries unless designated on the plat and plan of the Town's cemeteries by the Board.

Section 13-18--- Monuments: All monuments must be either bronze and/ or stone and be in accordance with the appropriate height, length, width, and location requirements designated in the Town Code.

Section 13-19--- Markers: All head markers used in place of a monument must be either bronze and/ or stone and be in accordance with the appropriate height, length, width, and location requirements designated in the Town Code.

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<sup>8</sup> <https://www.townofcarrboro.org/DocumentCenter/View/110/Chapter-13---Cemeteries-PDF?bidId=>

Section 13-20.1--- Installation, Repair, or Removal of Monuments: A monument or marker must be placed at the burial site within one year of the funeral. All owners of burial rights must repair, replace, or rest any monument or marker at the request and direction of the cemetery administrator.

Section 13-21—Interment or Disinterment: Prohibits (1) interring or disintering in any Town cemetery without lawful authority and a written permit issued by the cemetery administrator as provided in the Town Code; and (2) the opening any grave other than a licensed funeral director under the supervision of the cemetery administrator.

Section 13-23--- Minimum Depth of Graves: All graves in the Town cemeteries must be five feet deep, at least one foot from any property line, and level with the surrounding areas. All dirt must be sufficiently packed and excess dirt be hauled away following the funeral.

Section 13-24--- Grave Liner or Vault Required: Prohibits burring the body of any deceased person without the casket being properly placed within a grave liner or vault that is composed of concrete or of equivalent strength and durability.

## **Chapter 14—Town Property<sup>9</sup>**

Section 14-3--- Opening and Closing Hours: Prohibits entering or remaining in or on any Town property used primarily for recreational purposes while the property is closed to the public pursuant to the Town Code and the determinations set forth by the administrator.

Section 14-4--- Temporary Restriction on Use of Fields, Courts, ect.: Prohibits entering upon any lawn playfield, court, or similar areas where signs are posted, as determined by the administrator, which gives adequate notice to the public that the use of such facilities are temporarily forbidden. This section does not apply to any person performing maintenance work or carrying out some other legitimate function under the direction of the administrator. Prohibits any person from tampering or removing such signs.

Section 14-5---Reservation of Town Facilities and Property: Prohibits any person, after notice of a reservation system is established by the administrator, from occupying or refusing to vacate reserved Town properties during the time such property or facility has been properly reserved by another. The Town property and facilities include, but are not limited to the Town Commons, ball fields, basketball and tennis courts picnic tables, and the Town Hall. If no reservation system is established, The Town properties and facilities must be available for proper use to the public during regular hours on a first-come first serve basis. No person may disrupt or interfere with the use and enjoyment by another of such property or facilities.

Section 14-6---Request to Vacate Town Property: Prohibits refusing to vacate any Town property at the request of the Town manager, police officer, or administrator if they have reason to believe that such person is engaging in (1) any violation of state law or local ordinance established by the Town Code; (2) any conduct that is contrary to the health or safety of persons lawfully using Town property; (3) unreasonable interference with the lawful use and enjoyment of Town property or poses a substantial likelihood of damage to Town property; (4) any conduct that interrupts or impedes regular public

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<sup>9</sup> <https://www.townofcarrboro.org/DocumentCenter/View/111/Chapter-14---Town-Property-PDF?bidId=>

business or recreational programs; or (5) loitering within designated areas as set out in the Town Code without any legitimate purpose related to the public business being conducted.

Section 14-10---Certain Recreational Activities Generally: Prohibits engaging in activities on Town property such as horseback riding, hitting golf balls, flying model airplanes or drones, archery, overnight camping, or other recreational activities that may tend to damage or disrupt the use of Town property, or pose a hazard to other occupants, unless specifically authorized by the Town.

Section 14-11---Water Related Activities at Community Park: Prohibits swimming or riding in any boat, canoe, raft or similar device in the Carrboro Community Park Lake on Highway 54 except at the time and under the circumstances authorized and approved by the administrator.

Section 14-14---Fires on Town Property: Prohibits lighting any fires on Town property except in areas authorized or intended for picnicking, and then only in grills or fireplaces established by the Town and designed to accommodate such fires. Also prohibits dumping any ashes or coal into a refuse receptacle on Town property unless there are no live embers in such ashes and all coals have been completely extinguished.

Section 14-15---Molesting and Removing Animals: Prohibits hunting, molesting, harming, killing, or removing any animal, reptile or bird on Town property except deadly snakes and reptiles may be killed on sight. Also prohibits giving or attempting to give any animal or bird any alcohol or other known noxious substances.

Section 14-16---Excavation and Removal of Soil, Trees and Shrub: Prohibits (1) digging or removing any tree, bush, shrub, flower, soil, rock, sand, gravel, or similar material from Town property; or (2) excavating or engaging in other clearing or landscape work on Town property without specific authorization of the administrator.

Section 14-17---Improper Climbing or Sitting: Prohibits climbing standing, or sitting upon any fountains, railings, fences, poles, or trees or other fixtures not intended for such use.

Section 14-18---Weapons on Town Property: Prohibits any person from possessing or carrying any deadly weapon on Town property unless (1) it is used solely for instructional or officially sanctioned ceremonial purposes; (2) law enforcement officers acting in the discharge of their official duties if they are lawfully authorized to carry such weapons by law; or (3) persons are authorized to carry concealed handguns pursuant to G.S. Chapter 14, Article 54B unless possession is otherwise prohibited by the Town Code. The Town manager must post conspicuous signs at the locations of the buildings and recreational facilities indicating that carrying a concealed handgun is prohibited therein. These areas include athletic fields, athletic facilities, and playgrounds as set forth and designated by the Town Code.

Section 14-19---Use of Restrooms: Prohibits forcing entry into any restroom or washroom that is locked or bolted.

Section 14-20---Commercial Activity Restricted: Prohibits (1) engaging in any commercial activity for the purposes of collecting admission charges or fees of any kind in excess of the costs of the activity on Town property; or (2) any selling or the advertising for the sale of any goods, merchandise, equipment or services on Town property. This section does not apply to the solicitation of donations or the sale of goods or merchandise by a non-profit organization, persons authorized by Town sponsored events,

agents of the Town at certain designated parks and other Town owned property, or vendors at approved farm and craft markets operated by or on behalf of the Town.

Section 14-21---Smoking in Town-Owned Buildings: Prohibits engaging in the smoking of any cigarette, cigar, pipe, or other tobacco product within any building or motor vehicle owned, leased or occupied by the Town. The Town manager has discretion by written policy to authorize smoking within limited areas of Town buildings or motor vehicles if he determines there is a compelling reason to do so.

Section 14-22---Farmers' Market: Prohibits selling, soliciting of donations, offering for sale, or distributing any item other than those as authorized under the Town Code and during the period of operation of the farm and craft market within the areas of the Town Commons. The Chapel Hill-Carrboro Farmers Market, Inc., as the Town's agent, must make available during the market only for the sale by vendors of food or nonfood items that were grown, raised, baked, hand-crafted or produced by the vendors themselves.

## **Chapter 15- Land Use Ordinance**<sup>10</sup>

### **Article IV--Permits and Final Plat Approval**<sup>11</sup>

Section 15-46--- Permits Required: Prohibits substantially changing the use made of property; commencing substantial clearing, grading, or excavation; or the building, constructing, moving, or substantially altering any buildings or substantial structures without one of the following permits: (1) a zoning permit issued by the administrator, (2) a special use permit issued by the board of adjustment; or (3) a conditional use permit issued by the Board of Alderman. Permits issued under this section must be submitted by the applicant with plans that demonstrate compliance with the Land Use ordinance set forth in the Town Code and recorded in the Orange County Registry by the record owner if the tract of land is in excess of one acre (except sign permits and zoning permits for single-family residential uses and duplexes).

Prohibits commencing any physical improvements to land to be subdivided except in accordance with (i) a conditional use permit issued by the Board of Aldermen (for major subdivisions containing more than twelve lots and all subdivisions in watershed districts); (ii) a special use permit issued by the board of adjustment (for major subdivisions outside the watershed districts containing between five and twelve lots); (iii) or after final plat approval by the planning director for minor subdivisions.

Section 15-47—No Occupancy, Use, or Sale of Lots Until Requirements Fulfilled: Prohibits commencing the intended use of property, occupying a building, or the selling of lots until (1) the issuance of a conditional use, special use, or zoning permit under section 15-46; (2) all of the requirements set forth under the Town's Land Use ordinance; and (3) all additional requirements imposed pursuant to the issuance of aforementioned permits.

Section 15-48--Who May Submit Permit Applications: Allows applications for zoning, special use, conditional use, or sign permit or minor subdivision plat approval from only those persons who have the

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<sup>10</sup> <https://www.townofcarrboro.org/298/Land-Use-Ordinance>

<sup>11</sup> <https://www.townofcarrboro.org/DocumentCenter/View/685/Article-IV-Permits-and-Final-Plat-Approval-PDF>

legal authority to take such action in accordance with the permit or the minor subdivision plat approval. Generally prohibits applicants other than those by the owners or lessees of property, or their agents, or persons who have contracted to purchase property contingent upon their ability to acquire the necessary permits under this chapter, or the agents of such persons (who may make application in the name of such owners, lessees, or contract vendors).

Section 15-49---Applications Must Be Complete: All applications for zoning, special use, conditional use, or sign permits must be complete before the permit-issuing authority is required to consider the application. An application is complete when it contains all of the information that is necessary for the permit-issuing authority to decide whether or not the development, if completed as proposed, will comply with all of the requirements set forth by the Town Land Use ordinance.

However, whenever a certain element of a development must be constructed in accordance with the detailed requirements set forth in one or more provisions of the Town Land Use ordinance, or whenever it reasonably appears to the administrator that construction drawings are necessary to demonstrate that construction details will comply with plans submitted and approved as part of the permit-issuing process, then no construction work on such element may be commenced until detailed construction drawings have been submitted to and approved by the administrator. Failure to observe this requirement may result in permit revocation, denial of final subdivision plat approval, or other penalty that may constitute a criminal misdemeanor under the Town Land Use ordinance.

Section 15-56---Recommendation on Special Use Permit Applications: Applications for a special use permit must contain a report setting forth the planning staff's proposed findings concerning the applications compliance with Section 15-49 and other requirements designated by the Town's Land Use ordinance when presented to the board of adjustment.

Section 15-67--- Maintenance of Common Areas, Improvements, and Facilities: The recipient of any zoning, special use, conditional use, or sign permit, or his successor is responsible for maintaining all common areas, improvements or facilities as required and set forth in the Town's Land Use ordinance, or any permit issued in accordance with its provisions. This provision does not apply to those areas, improvements or facilities with respect to which an offer of dedication to the public has been accepted by the appropriate public authority.

Section 15-81—Plat Approval Not Acceptance of Dedication Offers: Approval of a plat is not an acceptance by the Town of an offer of dedication of any streets, sidewalks, parks, or other public facilities shown on the plat. However, the town may accept any such offer of dedication by resolution of the Board, by issuing to the dedicator a written notice of acceptance signed by the town manager, or by actually exercising control over and maintaining such facilities.

Section 15-82--- Protection Against Defects: Whenever occupancy, use or sale is allowed before or after the completion of all facilities or improvements intended for dedication, then a performance bond or a surety must be posted pursuant to the Town's Land Use ordinance which guarantees that any defects in such facilities or improvements that appear within fifteen months after the offer of dedication is accepted must be corrected by the developer.

Section 15 -83.1---Display of Approved Site Plan: Requires the developer prior to final plat approval of any residential subdivision development with a total of more than four lots to display a site plan in n an

outdoor location on the development that shows the Town approved lot configurations, easements, street patterns, amenities, and other design features that may affect the use or enjoyment of property purchased within such development.

Section 15-83.2---Signs Posted to Disclose Development Plan: Requires the developer prior to final plat approval of any residential subdivision development with a total of more than four lots to post a sufficient number of signs throughout the subdivision in appropriate locations to provide notification to the prospective purchasers of lots or dwelling units within the area for which final plat approval is requested of design features proposed for the subdivision that may significantly affect the use or enjoyment of property purchased within the subdivision.

Section 15-83.3---Covenants May Not Prohibit Devices that Generate or Conserve Energy or Water: Prohibits conveying of lots within a residential subdivision that are subject to covenants or restrictions that run with the land unless prior plat approval is obtained by the appropriate Town authority who has determined that such covenants or restrictions are consistent with the requirements of the Town Land Use ordinance. Final plat approval for such subdivision may not be granted if the covenants or restrictions prohibit, or have the effect of prohibiting, or allow a property owners association to prohibit, the orderly installation of solar collectors, clotheslines, rain barrels, garden fences, or any further technology or device 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.

This section does not apply to rule or regulations adopted by a property owners association that (1) affects a common area; (2) is designed to ensure that the device is installed and maintained in a manner that does not pose a risk to the safety of any person or animal; (3) does not have effect of preventing the reasonable use of such device; (4) or covenants or restriction recorded prior to 04/26/11, the effective date of the enforcement of this provision.

## **Article V--- Variances**<sup>12</sup>

Section 15-92—Variances: Applications for a variance shall be handled in the same manner as applications for special use permits in conformity with the provisions of Sections 15-48, 15-49, and 15-56 in Article IV of the Town's Land use ordinance. The application must be submitted to the board of adjustment by filing a copy of the application with the administrator in the planning department. If an unnecessary hardship would result from carrying out the strict letter of the Land Use ordinance, the board of adjustment must vary any provisions of the ordinance upon a showing that (1) unnecessary hardship would result from a strict application of the ordinance; (2) the hardship results from conditions that are specific and peculiar to the property; (3) the hardship did not result from actions taken by the applicant or the property owner; and (4) the request variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved. In determining whether a variance should be granted, the board of adjustment must consider a serious of factors set forth and listed in the Town's Land Use ordinance.

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<sup>12</sup> <https://www.townofcarrboro.org/DocumentCenter/View/687/Article-V-Appeals-Variances-Interpretations-PDF>

## **Article VII—Enforcement and Review**<sup>13</sup>

Section 15-114---Penalties and Remedies for Violations: Violations of the provisions in Chapter 15 of the Land Use Ordinance or failure to comply with any of its requirements, including violations of any conditions and safeguards established in connection with grants of variances or special use or conditional use permits, and violations of stop work orders, shall constitute a misdemeanor, punishable as provided in G.S. 14-4.

Section 15-117---Stop Work Orders: If the land use administrator determines that a person is engaged in doing work that constitutes, creates, or results in a violation of the Town's Land Use ordinance and that irreparable injury will occur if the violation is not terminated immediately, then the administrator may order that specific work to be immediately stopped by giving written notice to the violator. Once a stop work order is issued, neither the person whom the work order is served upon, nor an owner or developer with a copy of the stop work order may thereafter cause, suffer, or permit a violation of the order while it remains in effect. This does not apply when the stop work order is appealed and the board of adjustment fails to act upon the appeal within 15 working days. In this situation, the order must be stayed automatically beginning on the day following the expiration of the 15-day working period and must remain in effect until the board of adjustment meets and acts on the appeal.

## **Article VIII--- Nonconforming Situations**<sup>14</sup>

Section 15-124---Extension or Enlargement of Nonconforming Situations: Prohibits engaging in any activity that causes an increase in the extent of a nonconformity of a nonconforming situation. Unless an exception applies listed in this section of the Towns Land Use ordinance, physical alteration of structures or the placement of new structures on open land is unlawful if such activity results in (1) an increase in the total amount of space devoted to a nonconforming use; or (2) greater nonconformity with respect to dimensional restrictions such as setback requirements, height limitations or density requirements or other requirements such as parking requirements.

## **Article XVI—Flood Damage Prevention, Stormwater Management, and Watershed Protection**<sup>15</sup>

Section 15-251.2(c)---General Provisions: Prohibits any development to be built or take place within Special Flood Hazard Areas unless an appropriate permit, as set forth in Article IV of the Land Use ordinance, has been issued authorizing such development. No such permit shall be issued unless the proposed development is in full compliance with the provisions set forth in the Land Use ordinance.

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<sup>13</sup> <https://www.townofcarrboro.org/DocumentCenter/View/689/Article-VII-Enforcement-and-Review-PDF>

<sup>14</sup> <https://www.townofcarrboro.org/DocumentCenter/View/690/Article-VIII-Nonconforming-Situations-PDF>

<sup>15</sup> <https://www.townofcarrboro.org/DocumentCenter/View/698/Article-XVI-Floodways-Floodplains-Drainage-and-Erosion-PDF>

## **Article XVII--- Signs**<sup>16</sup>

Section 15-271--- Permit Required for Signs: Prohibits any sign from being erected, moved, enlarged, or substantially altered unless a sign permit is issued by the administrator and in accordance with the provisions of the Town Land Use Ordinance, or the signs are exempted or excluded from the regulations set forth in this section.

## **Article XIX--- Screening and Trees**<sup>17</sup>

Section 15-320---Protection of Trees During Construction: All permit recipients are responsible for ensuring that all existing trees specifically shown on approved plans as being retained to comply with this article as set forth and designated in the Town's Land use ordinance are protected during the construction process from, removal, destruction, or injury. A tree protection plan detailing the methods for such protection must be submitted as part of the land use permit application and construction plan package.

Section 15-321---Performance Security May Be Required: If the land use administrator has reasonable cause to believe that a tree protection plan has been violated, they may require that the developer post a security for a five-year period to cover the potential replacement of all such large and rare species trees that are called out for needing protection. The required security must be in the form of an interest-bearing account or certificate of deposit to the Town in the amount necessary for removal, and the one-time violation penalty as described in section 15-114 at the time the security is required.

## **Chapter 17---Housing Code**<sup>18</sup>

Section 17-6---Space and Use Standards: Every dwelling unit and rooming unit, if present, must contain the minimum amount of square footage in the following rooms: (1) 120sqft living room; (2) 80sqft kitchen-dinning room combination; (3) 100sqft for a first bedroom; (4) 70sqft for all other bedrooms; (5) 70sqft for other habitable rooms. Habitable rooms for the first occupant must be at least 150sqft of floor space, at least 100sqft for each of the next three occupants, and at least 50sqft for each additional occupant over four. Moreover, every habitable room shall be at least 7 feet wide in any part with at least one-half of the floor area having a ceiling height of at least seven 7 feet, 6 inches. Bedrooms must not constitute the only means of access to other bedrooms or habitable rooms and must not serve as the means of egress from other habitable rooms.

Each kitchen must have the means for a base cabinet with the following: (1) a minimum of 30sqft of shelf space; (2) drawer space containing a minimum of 5sqft; and (3) counter top area with a minimum of 6sqft. Kitchens and other uninhabitable spaces must not be used for sleeping purposes. Basements must not be used as a habitable room unless: (1) the floor and walls are impervious to underground and

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<sup>16</sup> <https://www.townofcarrboro.org/DocumentCenter/View/699/Article-XVII-Signs-PDF>

<sup>17</sup> <https://www.townofcarrboro.org/DocumentCenter/View/696/Article-XIX-Screening-and-Trees-PDF>

<sup>18</sup> <https://www.townofcarrboro.org/DocumentCenter/View/113/Chapter-17---Housing-Code-PDF?bidId=>

runoff water; (2) the window area is equal to the window sizes for habitable spaces; and (3) the total openable window area in each room is equal to at least the window areas for habitable rooms.

Toilet and bathing facilities must be enclosed so as to provide privacy, and such facilities must not constitute the only passageway to a hall or other space. For a multi-family dwelling, a door and interior locking device is required for all common and shared bathrooms. Access must be provided to all rooms within a dwelling without passing through a common area. Doors must be provided to all doorways leading to bedrooms, bathrooms, and all rooms adjoining a common area, except at doorways leading to bedrooms in single-family dwellings.

Section 17-7---Light and Ventilation Standards: Every habitable room must have the proper light and ventilation standards as set forth in the Town Code, including but not limited to the minimum number: windows in each room, the total glazed area percentage of the floor area, openable and operable windows in each dwelling unit, and windows that must have screens and storm windows. Windows must be reasonably weathertight with no broken glass, and there must be at least one window in each bathroom that is at least 3sqft, unless there is other approved ventilation. All common spaces such as hallways and stairways must be adequately lighted at all times. A local exhaust ventilation system is required to remove all contaminating agents such as toxic fumes and must not recirculate to any interior space or blow directly to abutting properties. Dryer exhaust systems must be independent of all other systems and in accordance with the manufacturer's instructions. Duct systems must be maintained free of obstructions and must be capable of performing the required functions.

Section 17-8 Security Standards: Requires doors providing access to any dwelling unit must be capable of being locked. Doors providing access to a dwelling unit or rooming unit that is rented or leased must be equipped with a deadbolt lock meeting the specifications set forth in the Town Code. All operable windows are required to be quipped with window sash locking devices.

Section 17-9---Exit Standards: Every dwelling unit is required to have exists that comply with the North Carolina State Building Code and are otherwise in compliance with this provision as designated and set out in the Town Code. Prohibits bars, grilles, grates, or other similar devices to be placed over emergency escapes.

Section 17-10---Structural Standards:

All buildings must have approved address numbers as set forth by the Town Code and placed in a position to be visible from the street fronting the property. The interior structure and equipment must be maintained in good repairs, structurally sound and in a sanitary condition. The foundation must be a positive grade and maintained around the perimeter of the dwelling.

Prohibits flooring that is loose, rotten, worn through, or has excessive cracks or beams that are excessively sagging, broken, overloaded, or decayed. Interior floors must be constructed in accordance with the fire-resistance ratings of the N.C. Building Code at the time of construction. Flooring must be reasonably smooth, and all sills, beams, and joints must provide sufficient support for flooring.

Prohibits exterior finishes or walls from having holes, excessive cracks or rotten boards which permit air or water to penetrate the structure. All exterior and interior walls must be reasonably plumb, and the studs are required to have sufficient support for sheathing or exterior finishing. Prohibits interior finishes or walls from having holes, excessive openings, loose finishes, highly combustible or improper

wall finishes. Interior walls must be constructed in accordance with the fire-resistance ratings of the N.C. Building Code at the time of construction.

Prohibits ceilings with holes, excessive cracks, loose ceiling finishes, or other highly combustible finishes. Ceiling joists and supporting members must provide sufficient support for the ceiling and the ceilings must be constructed in accordance with the fire-resistance ratings of the N.C. Building Code at the time of construction. Prohibits rafters and sheathing from being rotten, broken, or sagging excessively. Prohibits roof covering from being loose, having holes or leaks. All attics must have proper ventilation and proper flashing must be provided in walls and chimneys. Prohibits roof covering from discharging in a manner that creates a public nuisance.

Prohibits stairs, steps, ramps, and landings from having holes, grooves, and cracks large enough to constitute a hazardous accident and must be maintained in sound condition, good repair, and in accordance with the dimensions set forth in the Town Code. Prohibits supports for stairs, steps, ramps and landings from being rotten, sagging or deteriorating. All elevators or dumbwaiters must meet all applicable state requirements including those of the North Carolina State Building Code that were in effect at the time of installation; G.S. Chapter 95, Article 14A, the Elevator Safety Act of North Carolina; and any other applicable administrative regulations.

Section 17-11---Property Maintenance: All vacant dwellings and the premises must be maintained in a clean, safe, secure, and sanitary condition. All surface and subsurface water must be appropriately drained as to protect structures, to prevent the development of stagnant ponds, and to otherwise prevent a public nuisance. Prohibits noxious growth on the lot where a dwelling is located, and all yards and courts must be kept clean and free of physical hazards and solid wastes.

Section 17-12---Electrical Standards: Prohibits dangerous or hazardous electrical conditions and requires that all outlets, electrical equipment, and general wiring to be properly installed and maintained consistent with the standards of the NC Building Code at the times of construction. All ceiling fixtures, switches, and other fixtures must be installed safely, and must be operable or otherwise sealed off and disconnected. Prohibits temporary cords or extension cords from (1) being used as a substitute for the fixed wiring; (2) running through holes in walls, ceilings, or floors; (3) running through doorways, windows or similar openings; (4) being attached to building surfaces; or (5) concealed behind building walls, ceilings or floors. Requires at least two outlets in each habitable room, one ceiling or wall-type electric light fixture in each bathroom, and at least one outlet in every bathroom.

Section 17-13---Plumbing Standards: Every dwelling must be connected to the OWASA water and/or sanitary sewer systems or to an alternate water supply and sanitary sewer system for each approved by the Orange County Health Department and must be installed and maintained to provide water to plumbing fixtures, devices, and appurtenances. The water supply must be free from contamination.

All plumbing fixtures must be properly connected to such public water and/or sewer systems or wells and/or septic systems in accordance with all applicable state and local statutes and regulations. Plumbing fixtures must be located above the flood-level rim of the fixture. Every dwelling unit is required to have a bathroom complete with a tub or shower, commode that is firmly installed, and a bathroom sink that are all in good working condition. Prohibits fixtures that are leaking, cracked, broken, or badly chipped, or plumbing that is not properly supported or otherwise is broken or has leaking lines.

Water-heating facilities must be provided and must be properly installed and maintained in safe and good working condition. Water heaters shall be properly connected with hot water lines to each bathroom sink, bathtub and shower. At least one two-inch minimum size main plumbing vent must be properly installed for each building, and every plumbing stack, vent, water and sewer line must function properly and be kept free from obstructions, leaks and defects.

Section 17-14---Heating Standards: Requires every dwelling unit and rooming unit to provide heat at a minimum temperature of 68 degrees Fahrenheit at a point three feet above the floor with an outside temperature of twenty degrees Fahrenheit, either by (1) a central or electrical system with sufficient capacity to heat the dwelling at the minimum applicable temperature; or (2) with sufficient fireplaces, chimneys, flues, or gas vents and applicable heating appliances so as to furnish the minimum applicable temperature. Portable kerosene heaters are not acceptable as the permanent source of heat required by this section. Heating appliances and facilities must be installed in accordance with the NC Building Code provisions at the time of the installation and shall be maintained in a safe and good working condition. Where fireplaces are rendered inoperable, the opening must be closed and be lined or a vent must be installed if the chimney is used for ventilation.

Prohibits unvented heating appliances in all sleeping areas and combustible materials within twelve inches of the top and seven inches of either side of the fireplace opening, or within 6 inches of the stovepipe at the thimble connection.

Section 17-15--Owner to Keep Shared Areas Clean: Requires owners of multi-family dwellings containing four or more dwelling units to be responsible for maintaining the shared common areas and keep it in a reasonably clean and sanitary condition.

Section 17-16---Occupant to Keep His Part of the Dwelling Clean: Requires occupants of a dwelling to maintain that part of the dwelling he or she occupies and controls in a reasonably clean and sanitary condition.

Section 17-17---Prerequisites to Rental and Occupation of a Vacant Dwelling Unit: Prohibits owners or agents of the owner to lease or rent any vacant premise to another person unless it complies with the provisions in the Towns Housing Code and is reasonably clean, sanitary and fit for human occupancy.

Section 17-18---Disposal of Solid Wastes: Disposal facilities must be provided by the dwelling owner and every occupant must dispose of all solid wastes in a clean and safe manner that is in accordance with the Town Code.

Section 17-19---Extermination of Insects and Other Pests: Requires every occupant of a dwelling unit to be responsible for the extermination of insects, rodents and other pests either on the whole premises, or within his or her dwelling unit only if it is a multifamily dwelling. Notwithstanding the foregoing provisions, whenever infestation is caused by failure of the owner to maintain a dwelling in a rodentproof or reasonably insect proof condition, extermination is the sole responsibility of the owner. The owner of any rental dwelling unit must be responsible for extermination within the unit prior to leasing or renting the unit.

Section 17-20---Maintenance of Plumbing Fixtures by Occupant: Requires every occupant of a dwelling to keep all plumbing fixtures in a reasonably clean and reasonably sanitary condition and is responsible for the exercise of reasonable care in the proper use and operation thereof.

Section 17-21---Removal of Required Services and Facilities: Prohibits any owner or occupant to cause any service, facility, equipment, or utility that is required under the Town's Housing Code to be removed from or permanently disconnected in an occupied dwelling unit.

Section 17-22---Screens: It is the owners sole responsibility to furnish, install and maintain all required screens.

Section 17-24---No Waiver of Obligations: In the case of rental dwelling units, the owner is not released from his or her obligations under any part of the Towns Housing Code by the renting occupant's explicit or implicit acceptance of the owner's failure at any time to provide premises complying with this Chapter, unless the Town imposes an impediment to repair for a specific period of time not to exceed six months. Notwithstanding this provision, the owner and renting occupant are not prohibited from making a written contract subsequent to the rental agreement wherein the occupant agrees to perform specified work on the premises, provided that said contract is supported by adequate consideration other than the leasing or renting of the premises and is not made with the purpose or effect of evading the owner's obligations under Town's Housing Code or the North Carolina General Statues.