



Minutes

Board of Commissioners Regular Meeting

7 p.m. Sept. 8, 2025

Board Meeting Room, Town Hall Annex, 105 E. Corbin St.

Present: Mayor Mark Bell and commissioners Meaghun Darab, Robb English, Kathleen Ferguson, Matt Hughes and Evelyn Lloyd

Staff: Senior Planner Molly Boyle, Planning and Economic Development Manager Shannan Campbell, Assistant Town Manager and Community Services Director Matt Efird, Environmental Engineering Manager Bryant Green, Town Attorney Bob Hornik, Town Clerk and Human Resources Technician Sarah Kimrey, Communications Specialist JC Leser-McMinn, Town Manager Eric Peterson, Utilities Director Marie Strandwitz and Interim Police Chief Jason Winn

Opening of the meeting

Mayor Mark Bell called the meeting to order at 7 p.m.

1. Public charge

Bell did not read the public charge.

2. Audience comments not related to the printed agenda

Hillsborough resident Denise Akins addressed the board regarding the importance of regular cancer screenings. She advocated for increased breast cancer awareness through displaying pink banners throughout downtown during October.

Richard Averitte, Executive Director of the American Cancer Society for Central and Eastern North Carolina, spoke about the organization's mission to end cancer through research, patient support and advocacy. Averitte proposed that Hillsborough "turn pink" for October, noting that 1 in 8 women will face breast cancer in their lifetime and 81 cents of every dollar raised goes to the American Cancer Society's mission.

3. Agenda changes and approval

Added Item 7F – Add Breast Cancer Awareness in October to Banner Rotation Schedule

Motion: Commissioner Kathleen Ferguson moved to approve the agenda as amended. Commissioner Evelyn Lloyd seconded.

Vote: 5-0.

4. Presentations

A. Proclamation Declaring Sept. 8-14, 2025, as Orange Rural Fire Department Week

The mayor read a proclamation recognizing the Orange Rural Fire Department for their continued excellence, courage and sacrifice in serving Hillsborough and Central Orange County communities. The proclamation highlighted the department's service to a 62-square-mile district with over 2,000 calls annually from four stations, their specialized rescue services and their deployments to help during natural disasters.

Fire Chief Jeff Cabe thanked the board and acknowledged the teamwork between the Fire Department and town employees, particularly noting the assistance received from the town's public works division.

B. Narcan Training

Interim Police Chief Jason Winn introduced Landon Weaver, community health and safety bureau chief for Orange County Emergency Services, to provide training on naloxone.

Weaver presented comprehensive information about identifying opioid overdoses and administering naloxone. He presented the symptoms of an overdose, including the progression from decreased breathing to cardiac arrest, and explained how naloxone works by replacing opioid molecules at receptor sites in the body. He emphasized naloxone administration is legal in North Carolina for anyone who suspects an overdose, and he explained that the medication cannot cause harm if administered to someone not experiencing an overdose.

Weaver outlined an algorithm for responding to suspected overdoses: if someone is unresponsive but still breathing, administer naloxone; if they are not breathing at all, begin CPR. He noted that naloxone is available for free at several locations including the Orange County Health Department, emergency medical service stations, and vending machines in the county's detention and southern human services centers.

Following the presentation, Lt. Richard Hooks of the Hillsborough Police Department presented Bell with the first Spirit of Hillsborough Award, recognizing the mayor for his actions on June 9 when he helped prevent an opioid overdose death by calling 911 and staying with the person until first responders arrived to administer naloxone.

5. Appointments

- A. Board of Adjustment – Appointment of Sankalp Rangi to a three-year term expiring Oct. 31, 2028

Motion: Ferguson moved to approve the appointment. Commissioner Matt Hughes seconded.
Vote: 5-0.

6. Items for decision – consent agenda

- A. Minutes
– Regular meeting Aug. 11, 2025
– Regular meeting closed session Aug. 11, 2025
– Work session Aug. 25, 2025
B. Miscellaneous budget amendments and transfers
C. Proclamation – Diaper Need Awareness Week
D. Proclamation – Hispanic Heritage Month 2025
E. Ordinance amending town code Section 14-71(a)1 – Payment of system development and capital facilities fees and Chapter 14 Appendix C – Water meter capacity factors
F. Request to place a marker for Anne Hooper in the Old Town Cemetery at 205 N. Churton Street
G. Classification and Pay Amendment
H. Special Event Permit – River Park Concert

Motion: Commissioner Robb English moved to approve all items on the consent agenda. Ferguson seconded.
Vote: 5-0. Nays: None.

7. Items for decision – regular agenda

- A. Rezoning and development agreement requests from WP East Acquisitions LLC for 1001 Corporate Drive

Items 7A and 7B were discussed together.

Senior Planner Molly Boyle presented the rezoning request and development agreement for 1001 Corporate Drive. The applicant, WP East Acquisitions LLC, requested to rezone the 11.1-acre property from office institutional to multifamily, with the intent to build up to 333 units. The development agreement proposed 10% of units be affordable for 30 years and included a contribution of over \$1.8 million toward sewer infrastructure improvements.

Emmett Visconti and Caitlin Shelby from Wood Partners addressed the board, expressing excitement about the project and willingness to work collaboratively with the town. They discussed the naturally occurring affordable housing model and their commitment to maintaining affordability long-term.

The board discussed various aspects of the proposal, including the affordability period, integration of affordable units and infrastructure contributions. They negotiated changes to the development agreement, including extending the affordability period to 99 years and ensuring affordable units would be dispersed with and indistinguishable from market-rate units.

Motion: Ferguson moved to adopt the consistency statement and approve the rezoning as proposed. English seconded.

Vote: 5-0.

Motion: Ferguson moved to approve the development agreement with the following amendments: extending the affordability period from 30 years to 99 years or as long as permissible by law; adding language that affordable units shall be dispersed with and indistinguishable from market rate-units; and increasing any payment in lieu to 125% of the original amount. English seconded.

Vote: 5-0.

B. Text amendment to Unified Development Ordinance Table 6.3.1, Dimensional Requirements – Residential (initiated by applicant, WP East Acquisitions LLC)

The senior planner explained the proposed text amendment would allow increased building height (up to 65 feet with increased setbacks) and density (up to 30 units per acre) in multifamily zoning districts if certain conditions are met:

- 10% of units are affordable at 80% AMI.
- The development is within 500 feet of a major arterial road.
- The development doesn't abut existing single-family dwelling use.
- A development agreement is required.

Staff showed a map indicating that only four existing properties and the 1001 Corporate Drive property would qualify for this density bonus under these criteria.

Motion: Ferguson moved to adopt the consistency statement and the proposed text amendment. Hughes seconded.

Vote: 5-0.

C. Draft Downtown and West Hillsborough Parking Study

Planning and Economic Development Manager Shannan Campbell introduced Iain Banks from Nelson Nygaard to present the results of the parking study covering downtown and West Hillsborough.

Banks outlined the study's findings, identifying approximately 1,800 parking spaces across both areas, about 1,000 in downtown and about 750 in West Hillsborough. Utilization counts conducted on weekdays and weekends showed peak usage of about 65% in downtown and slightly less in West Hillsborough, typically between noon and 2 p.m.

The study included extensive public engagement through an online survey with 518 responses, stakeholder interviews and public pop-ups. Key findings included:

- Most people believe there is enough parking except during special events.
- Both employees and customers want to park close to destinations.
- There is a desire for more on-street loading zones and short-term parking.

Recommendations included:

- Optimizing the existing parking inventory.
- Facilitating shared parking agreements with private lot owners.
- Coordinating with Orange County to allow public access to county parking facilities during off-hours.
- Developing employee parking programs to encourage parking further from businesses.
- Developing a loading and curbside management program.
- Creating better signage and wayfinding.
- Establishing event management plans for large gatherings.

Commissioners asked questions about specific parking areas, traffic court days and after-hours utilization. The board expressed appreciation for the detailed utilization maps and analysis.

Motion: Ferguson moved to accept the report as presented. Lloyd seconded.
Vote: 5-0.

D. Town Code Updates Related to Code Enforcement

The planning and economic development manager presented several ordinance amendments to the town code related to code enforcement:

- A new chapter addressing abandoned and nuisance structures.
- Updated regulations for keeping farm animals inside city limits.
- Clearer definitions for abandoned, nuisance and aesthetic nuisance motor vehicles.
- Reduced limits on the accumulation of solid waste and yard waste.
- A new section on health and sanitation addressing open wells and standing water.
- Improved notification procedures for nuisance abatement, including property posting.

Motion: Hughes moved to approve all ordinance amendments as presented. Ferguson seconded.
Vote: 5-0.

E. Hot topics for work session Sept. 22, 2025

Topics for the upcoming work session will include:

- Public hearing to receive comment on the closure of an unimproved right of way that is nominally a portion of South Hasell Street.
- Transportation projects update.
- Update from Triangle West Transportation Planning Organization.
- Presentation from Communities on the Move.
- Closed session (tentative).

- F. Add Breast Cancer Awareness in October to Banner Rotation Schedule
Ferguson advocated for adding breast cancer awareness banners to the town's rotation, emphasizing the importance of supporting evidence-based science and public health.

Assistant Town Manager and Community Services Director Matt Efird said there will not be enough time to design, order, produce and receive the banners before October.

Richard Averitte from the American Cancer Society and Hillsborough resident Denise Akins offered alternative ideas for this October based on other communities, including pink badges for police officers and illuminating town buildings in pink.

After discussion, the board determined that they would support alternative awareness initiatives this year and consider the town's banner rotation schedule for future years.

Lloyd was excused from the meeting at 9:44 p.m.

Motion: Ferguson moved to support pink badges, pink lighting initiatives for this October, and to schedule a dedicated discussion about the banner rotation schedule at or before the budget retreat. English seconded.
Vote: 4-0. Absent: Lloyd.

8. Updates

- A. Board members
Board members gave updates on the committees and boards on which they serve.
- B. Town manager
The manager had no additional updates.
- C. Staff (written reports in agenda packet)
There were no additional updates.

9. Adjournment

Motion: Hughes moved to adjourn at 10:17 p.m. Ferguson seconded.
Vote: 4-0. Absent: Lloyd.

Respectfully submitted,

Sarah Kimrey
Town Clerk
Staff support to the Board of Commissioners



PROCLAMATION

Declaring Sept. 8-14, 2025, as Orange Rural Fire Department Week
In Recognition of Continued Excellence, Courage and Sacrifice
in Serving the Hillsborough and Central Orange County Communities

WHEREAS, the Orange Rural Fire Department serves an expansive, 62-square-mile district in Central Orange County, which includes Hillsborough, and runs over 2,000 calls per year from four stations; and

WHEREAS, Orange Rural provides an array of highly technical life-saving rescue services in addition to fire suppression, first responder emergency medical care and hazardous materials functions, with these rescue services including trench, confined space, agriculture and machinery, swift and surface water, and structural collapse; and

WHEREAS, the Fire Department goes above and beyond to help all in the community during their greatest times of need and regardless of the situation; and

WHEREAS, Orange Rural was quick to send multiple deployments of firefighters and equipment when Hurricane Helene devastated western North Carolina on Sept. 27, 2024, and for decades has regularly provided mutual aid to communities across the state during emergencies, such as forest fires, floods and other disasters; and

WHEREAS, the Fire Department responded Feb. 19 to a 50-car pileup with a fatality and injuries on Interstate 85 during a winter storm, were on scene for over 20 hours with limited assistance from other agencies, and employed creative responses to prevent further loss of life and help those injured or trapped; and

WHEREAS, when Tropical Storm Chantal caused unprecedented flash flooding July 6-7, Orange Rural ran 42 calls in 10 hours, performed a dozen water rescues, provided a boat and two staff members to help evacuate 50 people in Carrboro, assisted with clearing streets of downed trees, monitored water levels at Lake Orange, and handled many other critical tasks; and

WHEREAS, during all emergencies, weather events, and preparation for severe storms, the Fire Department always reaches out to Town of Hillsborough staff offering assistance, resources, expertise and availability, which are greatly appreciated by all town employees, management, the mayor, and the Board of Commissioners;

NOW, THEREFORE, I, Mark Bell, mayor of the Town of Hillsborough, do hereby proclaim Sept. 8-14, 2025, as Orange Rural Fire Department Week in Hillsborough to recognize the phenomenal service to our community from Orange Rural's board members, firefighters, support staff, command staff, and Chief Jeff Cabe.

IN WITNESS WHEREOF, I have hereunto set my hand and caused this seal of the Town of Hillsborough to be affixed this 8th day of September in the year 2025.



Mark Bell

Mark Bell, Mayor
Town of Hillsborough

Budget Adjustment Report

Adjustment Detail

For Date Range: 09/08/2025 - 09/08/2025

Town of Hillsborough, NC

Account Number	Account Name	Packet Number	Post Date	Original Budget	Budget Adjustments Amount	Current Budget
Adjustment Number	Adjustment Description					
Budget Code: 2025-2026 - Budget 2025-2026 Fiscal: 2025-2026						
Fund: 10 - GENERAL						
Department: 3900 - 3900						
10-00-3900-3900000	FUND BALANCE APPROPRIATION			-207,819.00	-4,000.00	-211,819.00
BA0000153	Chantal Expenses	GLPKT00983	09/08/2025		-4,000.00	
Department 3900 Total:				-207,819.00	-4,000.00	-211,819.00
Department: 4000 - DISASTER						
10-10-4000-5300145	MAINT - BUILDINGS			0.00	-10,000.00	-10,000.00
BA0000155	TS Chantal: Riverwalk Repairs PO	GLPKT00995	09/08/2025		-10,000.00	
10-10-4000-5300155	MAINT - PARKS			0.00	10,000.00	10,000.00
BA0000155	TS Chantal: Riverwalk Repairs PO	GLPKT00995	09/08/2025		10,000.00	
10-10-4000-5700741	CAPITAL - EQUIPMENT			0.00	4,000.00	4,000.00
BA0000153	Chantal Expenses	GLPKT00983	09/08/2025		4,000.00	
Department 4000 Total:				0.00	4,000.00	4,000.00
Department: 4100 - GOVERNING BODY						
10-10-4100-5300145	MAINT - BUILDINGS			250.00	375.00	625.00
BA0000156	White boards in annex conference room	GLPKT01028	09/08/2025		375.00	
10-10-4100-5300570	MISCELLANEOUS			4,500.00	-375.00	4,125.00
BA0000156	White boards in annex conference room	GLPKT01028	09/08/2025		-375.00	
Department 4100 Total:				4,750.00	0.00	4,750.00
Department: 5400 - ENGINEERING SERVICES						
10-30-5400-5300080	TRAINING/CONF./CONV.			4,300.00	-1,500.00	2,800.00
BA0000157	Chlorine Testing Kit	GLPKT01086	09/08/2025		-1,500.00	
10-30-5400-5300570	MISCELLANEOUS			500.00	1,500.00	2,000.00
BA0000157	Chlorine Testing Kit	GLPKT01086	09/08/2025		1,500.00	
Department 5400 Total:				4,800.00	0.00	4,800.00
Fund 10 Total:				-198,269.00	0.00	-198,269.00
Fund: 30 - WATER/SEWER						
Department: 3900 - 3900						
30-80-3900-3900000	FUND BALANCE APPROPRIATION			-675,666.00	-10,895.00	-686,561.00
BA0000153	Chantal Expenses	GLPKT00983	09/08/2025		-10,895.00	
Department 3900 Total:				-675,666.00	-10,895.00	-686,561.00
Department: 4000 - DISASTER						
30-80-4000-5700741	CAPITAL - EQUIPMENT			0.00	10,895.00	10,895.00
BA0000153	Chantal Expenses	GLPKT00983	09/08/2025		10,895.00	
Department 4000 Total:				0.00	10,895.00	10,895.00
Department: 8200 - WASTEWATER COLLECTION						
30-80-8200-5300165	MAINT - INFRASTRUCTURE			160,000.00	-30,272.00	129,728.00
BA0000154	Churton Grove lift station replacement	GLPKT00984	09/08/2025		-30,272.00	
30-80-8200-5700741	CAPITAL - EQUIPMENT			110,000.00	30,272.00	140,272.00
BA0000154	Churton Grove lift station replacement	GLPKT00984	09/08/2025		30,272.00	
Department 8200 Total:				270,000.00	0.00	270,000.00
Fund 30 Total:				-405,666.00	0.00	-405,666.00

Budget Adjustment Report**For Date Range: 09/08/2025 - 09/08/2025**

Account Number	Account Name	Packet Number	Post Date	Original Budget	Budget Adjustments Amount	Current Budget
Adjustment Number	Adjustment Description					
Fund: 72 - RESTRICTED REVENUES - GENERAL FUND						
Department: 5100 - POLICE						
72-00-5100-3301058	RESTRICTED REV - BCBS GRANT - HILLS COMM CLOSET			0.00	-5,000.00	-5,000.00
BA0000152	BCBS Grant - Hillsborough Community Closet	GLPKT00970	09/08/2025		-5,000.00	
72-20-5100-5300369	BCBS - HILLSBOROUGH COMMUNITY CLOSET EXPENDITURES			0.00	5,000.00	5,000.00
BA0000152	BCBS Grant - Hillsborough Community Closet	GLPKT00970	09/08/2025		5,000.00	
Department 5100 Total:				0.00	0.00	0.00
Fund 72 Total:				0.00	0.00	0.00
Budget Code 2025-2026 Total:				-603,935.00	0.00	-603,935.00

DRAFT

Description

Description

Fund

Original Budget

Budget Adjustments

Current Budget

Budget Code: 2025-2026 - Budget 2025-2026 Fiscal: 2025-2026

10

-198,269.00

0.00

-198,269.00

30

-405,666.00

0.00

-405,666.00

72

0.00

0.00

0.00

Budget Code 2025-2026 Total:

-603,935.00

0.00

-603,935.00

Fund Summary

APPROVED: 5/0

DATE: 9/8/25

VERIFIED: _____

Sarah E. Kimrey

DRAFT



PROCLAMATION

2025 Diaper Need Awareness Week

Sept. 15 – 21

WHEREAS, diaper need, the condition of not having a sufficient supply of clean diapers to keep babies and toddlers clean, dry, and healthy, can adversely affect the health and well-being of babies, toddlers, and their families; and

WHEREAS, national surveys and research studies report that one in two families struggle with diaper need and 48 percent of families delay changing a diaper to extend their supply; and

WHEREAS, purchasing enough diapers to keep a baby or toddler clean, dry, and healthy can consume 14 percent of a low-wage family's post-tax income, making it difficult to obtain a sufficient supply; and

WHEREAS, a daily or weekly supply of diapers is generally an eligibility requirement for babies and toddlers to participate in childcare programs and quality early-education programs; and

WHEREAS, without enough diapers, babies and toddlers risk infections and health problems that may require medical attention, and may prevent parents from attending work or school, thereby hurting the family's economic prospects and well-being; and

WHEREAS, the people of Hillsborough recognize that diaper need is a public health issue, and addressing diaper need can lead to economic opportunity for the state's families and communities and improved health for children, thus ensuring all people have access to the basic necessities required to thrive and reach their full potential; and

WHEREAS, Hillsborough is proud to be home to trusted community-based organizations including Diaper Bank of North Carolina that recognize the importance of diapers in ensuring health and providing economic stability for families and thus distribute diapers to families through various channels; and

NOW, THEREFORE, I, Mark Bell, mayor of the Town of Hillsborough, do hereby proclaim the week of Sept. 15 through Sept. 21, 2025, as Diaper Need Awareness Week in the Town of Hillsborough, thank the aforementioned diaper bank, their staff, volunteers and donors, for their service and encourage the residents of Hillsborough to donate generously to diaper banks, diaper drives, and those organizations that collect and distribute diapers to those struggling with diaper need, so that all of Hillsborough's children and families can thrive and reach their full potential.

IN WITNESS WHEREOF, I have hereunto set my hand and caused this seal of the Town of Hillsborough to be affixed this 8th day of September in the year 2025.



Mark Bell

Mark Bell, Mayor
Town of Hillsborough



PROCLAMATION

Hispanic Heritage Month 2025

WHEREAS, Sept. 15 is the anniversary of independence from the Spanish Empire for five Latin American countries: Costa Rica, El Salvador, Guatemala, Honduras and Nicaragua; and Mexico and Chile achieved independence on Sept. 16 and 18, respectively; and

WHEREAS, Hispanic Americans bring a rich cultural heritage representing many countries, ethnicities and religious traditions that are part of the fabric of America; and

WHEREAS, between 1968 and 1988, Presidents Johnson, Nixon, Ford, Carter and Reagan issued a series of annual proclamations that designated a week in September containing Sept. 15 and 16 as National Hispanic Heritage Week; and

WHEREAS, in 1988, the United States Congress adopted a resolution designating Sept. 15 to Oct. 15 of each year as National Hispanic Heritage Month; and

WHEREAS, during National Hispanic Heritage Month, the United States highlights and celebrates the culture and traditions of Spanish-speaking residents who trace their roots to Spain, Mexico, Central America, South America and the Caribbean; and

WHEREAS, the Hispanic communities of North Carolina have been integral in the history, culture, governance, and economy of the state and will be a critical part of its future as their communities continue to grow; and

WHEREAS, Hillsborough is home to a growing Hispanic community that is involved the civic, cultural, and economic fabric of the town and continues to make substantial contributions to the overall quality of life in town; and

WHEREAS, regional organizations such as El Centro Hispano, El Futuro, El Pueblo and the Refugee Community Partnership provide many valuable services to Hispanic and Latino residents in Hillsborough and further strengthen the town as a whole;

NOW, THEREFORE, the Town of Hillsborough does hereby proclaim Sept. 15 through Oct. 15, 2025, as Hispanic Heritage Month and calls upon all residents of Hillsborough to celebrate this month through activities and programs that enlighten and inspire our understanding of the amazing heritage of our Hispanic families, neighbors and friends.

IN WITNESS WHEREOF, I have hereunto set my hand and caused this seal of the Town of Hillsborough to be affixed this 8th day of September in the year 2025.



Mark Bell

Mark Bell, Mayor
Town of Hillsborough



ORDINANCE

Amending Section 14-71(a)I – Payment of System Development and Capital Fees and Chapter 14 Appendix C – Water Meter Capacity Factors

The Hillsborough Board of Commissioners ordains:

- Section 1.** Section 14-71 Payment of system development and capital facilities fees is amended to edit item (a)(1) to strike noted text as follows:
- (a) System development fees or capital facilities fees set forth in the schedule of rates and charges referenced in section 14-9, and in appendix A to this chapter, shall be paid by the developer or owner of property being developed, or redeveloped.
 - (1) The system development fee shall be applied to new development that connects to the utility system. New development shall be defined as any of the following: 1) the subdivision of land, 2) the construction, reconstruction, redevelopment, conversion, structural alteration, relocation, or enlargement of any structure which began after July 1, 2017.
- Section 2.** Chapter 14 Appendix C. - WATER METER CAPACITY FACTORS is hereby deleted in its entirety.
- Section 3.** All provisions of any town ordinance in conflict with this ordinance are repealed.
- Section 4.** This ordinance shall become effective upon adoption.

The foregoing ordinance, having been submitted to a vote, received the following vote and was duly adopted this 8th day of September in the year 2025.

Ayes: 5
Noes: 0
Absent or excused: 0



A handwritten signature in black ink, reading "Sarah E. Kimrey".

Sarah E. Kimrey, Town Clerk

**BOARD OF COMMISSIONERS
TOWN OF HILLSBOROUGH, NORTH CAROLINA**

Consistency Statement per NC GS § 160D-605

Request to amend the Official Zoning Map for the Town of Hillsborough
1001 Corporate Drive (Parcel ID Number: 9874-61-2327)

September 8, 2025

The Board of Commissioners for the Town of Hillsborough has received and reviewed a request from WP East Acquisitions LLC to rezone the parcel identified as 1001 Corporate Drive (PIN 9874-61-2327) from Office Institutional (OI) to Multi-Family (MF).

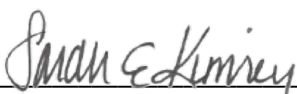
The Board of Commissioners has determined the proposed action is **consistent** with the town's Comprehensive Sustainability Plan (CSP) because:

1. The proposed amendment is **consistent** with the following Land Use and Development chapter goal, strategy, and action:
 - Goal: Ensure that future growth and development, including infill and redevelopment, are aligned with smart growth principles and consider infrastructure constraints such as water and wastewater system capacity.
 - Strategy: Develop and adopt plans that contribute to meeting preferred future land use and growth patterns.
 - Action: Analyze additional opportunities for infill and redevelopment and increased density in existing neighborhoods, focusing on the provision of water and sewer and other infrastructure and services.
2. The proposed rezoning **advances** identified goals and strategies found in the CSP and **promotes** public health, safety, and welfare because it will create additional rental housing, including affordable housing, in the Town of Hillsborough.

The foregoing consistency statement, having been submitted to a vote, received the following vote and was duly adopted this 8th day of September in the year 2025.

Ayes: 5
Noes: 0
Absent or excused: 0





Sarah E. Kimrey, Town Clerk



ORDINANCE

Amending the Official Zoning Map for the Town of Hillsborough, NC 1001 Corporate Drive (Parcel Identification Number 9874-6I-2327)

WHEREAS, an application was made to amend the Official Zoning Map for the Town of Hillsborough, specifically to rezone 11.10 acres as 1001 Corporate Drive (PIN 9874-61-2327), the legal description of which can be found in Deed Book 6796, Page 226 of the Orange County Registry; and

WHEREAS, the application was referred to the Hillsborough Planning Board for its recommendation, and the Planning Board has provided the town board with a written recommendation addressing the consistency of the proposed rezoning amendment with the town's comprehensive plan and such other matters as the Planning Board deemed appropriate; and

WHEREAS, the town board has, prior to acting on the application, adopted a statement describing the consistency of the proposed rezoning with the town's comprehensive plan and explaining why the action contemplated by the town board as reflected herein is reasonable and in the public interest.

NOW, THEREFORE, the Hillsborough Board of Commissioners ordains:

- Section 1.** The Official Zoning Map of the Town of Hillsborough is hereby amended to rezone the aforementioned property to Multi-Family.
- Section 2.** All provisions of any town ordinance in conflict with this ordinance are repealed.
- Section 3.** This ordinance shall become effective upon adoption.

The foregoing ordinance, having been submitted to a vote, received the following vote and was duly adopted this 8th day of September in the year 2025.

Ayes: 5
Noes: 0
Absent or excused: 0



A handwritten signature in black ink, reading "Sarah E. Kimrey", is written over a horizontal line.

Sarah E. Kimrey, Town Clerk

**BOARD OF COMMISSIONERS
TOWN OF HILLSBOROUGH, NORTH CAROLINA**

Consistency Statement per NC GS § 160D-605

Request to amend Table 6.3.1, Dimensional Requirements – Residential in the Unified Development Ordinance of the Town of Hillsborough (applicant-initiated)

September 8, 2025

The Board of Commissioners for the Town of Hillsborough has received and reviewed a request from WP East Acquisitions LLC to amend Table 6.3.1 in the Unified Development Ordinance to increase the maximum density and building height requirements for the Multi-Family and Multi-Family Special Use districts (MF & MFSU).

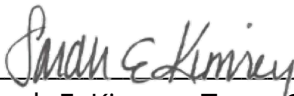
The Board of Commissioners has determined the proposed action is **consistent** with the town's Comprehensive Sustainability Plan (CSP) because:

1. The proposed amendment is **consistent** with the following Land Use and Development chapter goal, strategy, and action:
 - Goal: Ensure that future growth and development, including infill and redevelopment, are aligned with smart growth principles and consider infrastructure constraints such as water and wastewater system capacity.
 - Strategy: Ensure that land use and development regulations are aligned with preferred future land use and growth patterns.
 - Action: Ensure that the Unified Development Ordinance incorporates strategies to achieve a mix of housing types through zoning.
2. The proposed rezoning **advances** identified goals and strategies found in the CSP and **promotes** public health, safety, and welfare because it incentivizes affordable housing through density and height bonuses.

The foregoing consistency statement, having been submitted to a vote, received the following vote and was duly adopted this 8th day of September in the year 2025.

Ayes: 5
Noes: 0
Absent or excused: 0





Sarah E. Kimrey, Town Clerk



ORDINANCE

Amending the Town of Hillsborough Unified Development Ordinance Table 6.3.I, Dimensional Requirements - Residential

WHEREAS, an application was initiated by WP East Acquisitions LLC to amend Unified Development Ordinance Table 6.3.1, Dimensional Requirements – Residential, to increase the maximum density and building height in the Multi-Family and Multi-Family Special Use zoning districts; and

WHEREAS, the application was referred to the Hillsborough Planning Board for its recommendation, and the Planning Board has provided the town board with a written recommendation addressing the consistency of the proposed rezoning amendment with the town's comprehensive plan and such other matters as the Planning Board deemed appropriate; and

WHEREAS, the town board has, prior to acting on the application, adopted a statement describing the consistency of the proposed text amendment with the town's comprehensive plan and explaining why the action contemplated by the town board as reflected herein is reasonable and in the public interest.

NOW, THEREFORE, the Hillsborough Board of Commissioners ordains:

- Section 1.** The Unified Development Ordinance of the Town of Hillsborough is hereby amended as attached hereto.
- Section 2.** All provisions of any town ordinance in conflict with this ordinance are repealed.
- Section 3.** This ordinance shall become effective upon adoption.

The foregoing ordinance, having been submitted to a vote, received the following vote and was duly adopted this 8th day of September in the year 2025.

Ayes: 5
Noes: 0
Absent or excused: 0



A handwritten signature in black ink, reading "Sarah E. Kimrey".

Sarah E. Kimrey, Town Clerk

6.3.1 TABLE: DIMENSIONAL REQUIREMENTS –RESIDENTIAL

	AR	R-40	R-20	R-15	R-10	MF & MFSU	MHP	ALN	PW ¹	PWCA ¹
Minimum Lot Area (sf)	40,000	40,000	20,000	15,000	10,000	1 acre (required development tract area)	5 acres (required development tract area)	1 acre	1 acre	2 acres
Maximum Density (Dwelling Units per Acre) ²	1	1	2	3	4	20/30 ³	7		1	1
Minimum Lot Width	200	150	100	100	75	NA	NA	200	150	150
Minimum Side Yard Width	30	30	20	15	15	40 ⁴	40 ⁴	40	30	30
Minimum Rear Yard Width	30	30	20	20	20	40 ⁴	40 ⁴	40	30	30
Minimum Front Setback	40	40	30	25	25	35 ⁴	35 ⁴	35	30	30
Maximum Building Height	65	45	45	45	45	45/65 ⁵	35	35	45	45
Maximum Impervious Surface (% of gross lot)	NA	NA	NA	NA	NA	NA	NA	NA	30%	6%

¹ Refer to Section 4.5, *Other Zoning Districts*, for additional requirements in the PW and PWCA districts.

² Subject to rounding as defined in Section 9.1.4, *Dwelling Unit Yield*. Accessory dwelling units are not counted toward maximum dwelling unit per acre.

³ 30 units per acre allowed where each of the following conditions are met: 1) A minimum of 10% of units in the development are affordable to households making 80% AMI (Area Median Income) or less at time of construction; 2) The development is within 500' of a major arterial road such as Hwy 70 or I-85; 3) The development does not abut an existing single-family dwelling use; and 4) A Development Agreement between the Town of Hillsborough and the party responsible for the development is agreed upon and executed prior to commencing construction.

⁴ Setbacks measured from exterior property lines of development tract. Interior setbacks governed by applicable use-specific standards (see Section 5.2, *Use-specific Standards*).

⁵ Maximum building height may be increased to 65' if minimum front, side, and rear setbacks are each increased by 5'.



ORDINANCE

Adding Chapter 4: Nuisance and Abandoned Structures

The Hillsborough Board of Commissioners ordains:

Section 1. The Code of Ordinances shall be amended as follows:

Chapter 4. NUISANCE AND ABANDONED STRUCTURES ¹

Footnotes:--- (1) --- State Law reference— Corporate power of municipality, G.S. 160A-11; general ordinance-making power, G.S. 160A-174; council to organize municipal government, G.S. 160A-146.

ARTICLE I. MINIMUM HOUSING STANDARDS

Sec. 4.1. Authorization

- a) Dwellings. The existence and occupation of dwellings that are unfit for human habitation are inimical to the welfare and dangerous and injurious to the health and safety of the people of the Town. A public necessity exists for the repair, closing, or demolition of such dwellings. Whenever the Town finds that there exists in town limits or the extra-territorial jurisdiction, dwellings that are unfit for human habitation due to dilapidation; defects increasing the hazards of fire, accidents or other calamities; lack of ventilation, light, or sanitary facilities; or other conditions rendering the dwellings unsafe or unsanitary, or dangerous or detrimental to the health, safety, morals, or otherwise inimical to the welfare of the residents of the Town, power is conferred upon the Town to exercise its police powers to repair, close, or demolish the dwellings consistent with the provisions of Article 12 (Minimum Housing Codes) of Chapter 160D of the NC General Statutes.
- b) Abandoned Structures. This ordinance provides for the repair, closing, or demolition of any abandoned structures that the Governing Body finds to be a health or safety hazard as a result of the attraction of insects or rodents, conditions creating a fire hazard, dangerous conditions constituting a threat to children, or frequent use by vagrants as living quarters in the absence of sanitary facilities. This ordinance provides for the repair, closing, or demolition of such structures pursuant to the same provisions and procedures as are prescribed by Article 12 of Chapter 160D for the repair, closing, or demolition of dwellings found to be unfit for human habitation, within town limits or the extra-territorial jurisdiction.

Sec. 4.2. Definitions

The following terms shall have the meanings whenever used or referred to as indicated when used in this Article unless a different meaning clearly appears from the context:

- a) **Abandoned structure.** Any dwelling, dwelling unit, habitable room, multiple dwelling, room unit, rooming house, structure, shed or accessory building, or manufactured/mobile home which is a health or safety hazard as a result of the attraction of insects or rodents, conditions creating a fire hazard, dangerous conditions constituting a threat to children, or frequent use by vagrants as living quarters in the absence of sanitary facilities.
- b) **Alter, repair, or similar words.** The work is workmanlike and performed in a workmanlike manner.
- c) **Area, as applied to the dimensions of a building.** The maximum horizontal prospected area of the building at grade.

- d) **Area, as applied to the dimensions of a room.** The total square footage of floor area between finished walls.
- e) **Basement.** A portion of a dwelling, structure or abandoned structure which is located partly underground, having direct access to light and air from windows located above the level of the adjoining ground.
- f) **Building.** Any structure enclosed and isolated by exterior walls constructed or used for, but not limited to, residence, business, industry or other public or private purposes, or accessory hereto, and also tents, lunch wagons, dining cars, trailers, and similar structures, whether stationary or movable.
- g) **Cellar.** A portion of a dwelling, structure or abandoned structure located partly or wholly underground having an inadequate access to light and air from windows located partly or wholly below the level of the adjoining ground.
- h) **Code Enforcement Officer (Officer).** The officer or officers who are authorized by ordinances adopted hereunder to exercise the powers prescribed by the ordinances and by Article 12 of Chapter 160D.
- i) **Deteriorated.** A dwelling, structure or abandoned structure that is unfit for human habitation and can be repaired, altered, or improved to comply with all of the minimum standards established by this chapter except at a cost in excess of 50 percent of its value, as determined by findings of the code enforcement officer.
- j) **Dilapidated.** A dwelling, structure or abandoned structure that is unfit for human habitation and cannot be repaired, altered, or improved to comply with all of the minimum standards established by this chapter at a cost not in excess of 50 percent of its value, as determined by findings of the code enforcement officer.
- k) **Dwelling.** Any building, structure, manufactured/mobile home, or part thereof which is wholly or partly used or intended to be used for living, sleeping or habitation by human occupants, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith. Temporary housing, as defined in this section, shall not be regarded as a dwelling. The term shall include within its meaning the terms "rooming house" and "rooming unit," as defined in this section.
- l) **Dwelling unit.** Any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking, and eating.
- m) **Extermination.** The control and elimination of insects, rodents, or other pests by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, trapping; or by any other recognized and legal pest elimination methods approved by the code enforcement officer.
- n) **Garbage.** Organic waste resulting from the handling, preparation, cooking, and consumption of food.
- o) **Governing body.** The Board of Commissioners of the Town of Hillsborough.
- p) **Habitable space or room.** A room or enclosed floor space used or intended to be used for living, sleeping, cooking, or eating purposes, excluding bathrooms, water closet compartments, laundries, heater rooms, foyers or communicating corridors, closets, and storage spaces.
- q) **Infestation.** The presence, within or around a dwelling, structure, or abandoned structure of any insects, rodents, or other pests in such number as to constitute a menace to the health, safety, or welfare of the occupants or to the public.
- r) **Multiple dwelling.** Any dwelling containing five or more dwelling units.
- s) **Occupant.** Any person over one year of age, living, sleeping, cooking, or eating in, or having actual possession of a dwelling, dwelling unit, or rooming unit.
- t) **Operator.** Any person who has charge, care or control of a building, or part thereof, in which dwelling units or rooming units are let.
- u) **Owner.** The holder of the title in fee simple and every mortgagee of record.
- v) **Parties in interest.** All individuals, associations, and corporations who have interests of record in a dwelling and any who are in possession thereof.
- w) **Plumbing.** All of the following supplied facilities and equipment: gas pipes, gas burning equipment, water pipes, mechanical garbage disposal units (mechanical sink grinders), sewage disposal pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes washing machines, catch basins, drains, vents, and any other similar supplied fixtures, together with all connections to water, sewer, or gas lines.

- x) **Public authority.** Any housing authority or any officer who is in charge of a department or branch of the government of the Town, County, or State relating to health, fire, building regulations, or other activities concerning dwellings in the Town.
- y) **Rooming unit.** Any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.
- z) **Rooming house.** Any dwelling or that part of any dwelling containing one or more rooming units, in which space is let by owner or operator to three or more persons who are not husband and wife, son or daughter, mother or father, or sister or brother of the owner or operator.
- aa) **Rubbish.** Combustible and noncombustible waste materials, except garbage and ashes, and the term shall include, but not be limited to, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, metals, mineral matter, glass, crockery, and dust.
- bb) **Structure.** Anything constructed or erected, the use of which requires location on the land, or attachment to the land or something having a permanent location on the land such as billboards, signs, or fences.
- cc) **Substandard dwelling or structure.** A dwelling, dwelling unit, multiple dwelling, apartment house, structure, abandoned structure or any other space used or intended to be used as a habitable living space in any building or structure which does not meet the basic minimum requirements of this chapter for such use.
- dd) **Supplied.** Paid for, furnished, or provided by, or under the control of, the owner or operator.
- ee) **Temporary housing.** Any tent, trailer or other structure used for human shelter which is designed to be transportable, and which is not attached to the ground, to another structure, or to any utilities system on the same premises for more than 30 consecutive days.
- ff) **Tenant.** Any person who alone or jointly or severally with others occupies a residential building under a lease or holds a leasehold interest in a building.
- gg) **Unfit for human habitation.** Conditions existing in a dwelling, dwelling unit, rooming house, rooming unit, structure, or abandoned structure which violate or do not comply with one or more of the minimum standards of fitness or one or more of the requirements established by this chapter.

Sec. 4.3. Ordinance Authorized as to Repair, Closing, And Demolition: Order of Code Enforcement Officer

Upon the adoption of an ordinance finding that dwelling conditions of the character described in G.S. 160D-1201 exist within the Town of Hillsborough, the Governing Body is authorized to adopt and enforce ordinances relating to dwellings and abandoned structures within the planning and zoning extra-territorial jurisdiction that are unfit for human habitation. These ordinances shall include the following provisions:

- a) Designation of an enforcement officer. The Town's Code Enforcement Officer shall be designated to exercise the powers prescribed by the ordinance.
- b) Investigation, complaint, hearing. Whenever a petition is filed with the Code Enforcement Officer by a public official or by at least five (5) residents of the jurisdiction charging that any dwelling is unfit for human habitation or when it appears to the Code Enforcement Officer that any dwelling is unfit for human habitation, the Code Enforcement Officer shall, if a preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of and parties in interest in such dwellings a complaint stating the charges in that respect and containing a notice that an administrative hearing will be held before the Code Enforcement Officer, or the officer's designated agent, at a place within the Town of Hillsborough. The hearing shall be not less than ten (10) days nor more than thirty (30) days after the serving of the complaint. The owner and parties in interest shall be given the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the place and time fixed in the complaint. The rules of evidence prevailing in courts of law shall not be controlling in administrative hearings before the Code Enforcement Officer.
- c) Orders. If, after notice and an administrative hearing, the Code Enforcement Officer determines that the dwelling under consideration is unfit for human habitation, the officer shall state in writing findings of fact

in support of that determination and shall issue and cause to be served upon the owner one (1) of the following orders, as appropriate:

- 1) Repair Order. If the repair, alteration, or improvement of the dwelling can be made at a reasonable cost in relation to the value of the dwelling, requiring the owner, within the time specified, to repair, alter, or improve the dwelling in order to render it fit for human habitation. The ordinance may fix a certain percentage of this value as being reasonable. The order may require that the property be vacated and closed only if continued occupancy during the time allowed for repair will present a significant threat of bodily harm, considering the nature of the necessary repairs, alterations, or improvements; the current state of the property; and any additional risks due to the presence and capacity of minors under the age of eighteen (18) or occupants with physical or mental disabilities. The order shall state that the failure to make timely repairs as directed in the order shall make the dwelling subject to the issuance of an unfit order under Sec. 6-175(d).
- 2) Demolition Order. If the repair, alteration, or improvement of the dwelling cannot be made at a reasonable cost in relation to the value of the dwelling, requiring the owner, within the time specified in the order, to remove or demolish the dwelling. The ordinance may fix a certain percentage of this value as being reasonable. However, notwithstanding any other provision of law, if the dwelling is located in a historic district and the Historic District Commission determines, after an administrative hearing as provided by ordinance, that the dwelling is of particular significance or value toward maintaining the character of the district, and the dwelling has not been condemned as unsafe, the order may require that the dwelling be vacated and closed consistent with G.S. 160D-949 and an Repair Order issued according to the regulations outlined in the Demolition by Neglect process under the Historic District Commission.

d) Lis Pendens.

- 1) After a Code Enforcement Officer issues a complaint containing a notice of administrative hearing or issues an order pursuant thereto, the Town Clerk shall file a notice of Lis pendens with the Orange County Clerk of Superior Court. A copy of the complaint containing a notice of hearing, and a copy of the order shall be attached to the Lis pendens. When the Lis pendens is filed with the Clerk, it shall also be served on the owners and parties in interest in the building or dwelling, including any lien holders and tenants who may be determined by the exercise of reasonable diligence.
- 2) A Code Enforcement Officer may cancel the Lis pendens upon a determination by that Officer that the property fully complies with the Minimum Housing Code. Cancellations of the Lis pendens must be made in a writing signed by the Officer and filed with the Clerk of Court.

e) Repair, closing, and posting. If the owner fails to comply with an order to repair, alter, or improve or to vacate and close the dwelling, the Code Enforcement Officer may cause the dwelling to be repaired, altered, or improved or to be vacated and closed, and the Code Enforcement Officer may cause to be posted on the main entrance of any dwelling so closed a placard with the following words: "This building is unfit for human habitation; the use or occupation of this building for human habitation is prohibited and unlawful."

Occupation of a building so posted shall constitute a Class 1 misdemeanor. The duties of the Code Enforcement Officer set forth in this subdivision shall not be exercised until the Governing Body shall have by ordinance ordered the Officer to proceed to effectuate the purpose of Article 12 of Chapter 160D with respect to the particular property or properties that the Officer shall have found to be unfit for human habitation and which property or properties shall be described in the ordinance. This ordinance shall be recorded in the office of the Orange County Register of Deeds and shall be indexed in the name of the property owner in the grantor index.

- f) Demolition. If the owner fails to comply with an order to remove or demolish the dwelling, the Officer may cause such dwelling to be removed or demolished. The duties of the Officer set forth in this subdivision shall not be exercised until the Governing Body shall have by ordinance ordered the Officer to proceed to effectuate the purpose of Article 12 of Chapter 160D with respect to the particular property or properties that the Officer shall have found to be unfit for human habitation and which property or properties shall be described in the ordinance. No such ordinance shall be adopted to require demolition of a dwelling until the owner has first been given a reasonable opportunity to demolish the structure or bring it into conformity with the building and/or housing code. This ordinance shall be recorded in the office of the Orange County Register of Deeds and shall be indexed in the name of the property owner in the grantor index.
- g) Abandonment of Intent to Repair. If the dwelling has been vacated and closed for a period of one (1) year pursuant to an ordinance adopted pursuant to Subsection (e) of this section or after a Code Enforcement Officer issues an order or proceedings have commenced under the substandard housing regulations regarding a dwelling to be repaired or vacated and closed as provided in this subdivision, then the Governing Body may find that the owner has abandoned the intent and purpose to repair, alter, or improve the dwelling in order to render it fit for human habitation and that the continuation of the dwelling in its vacated and closed status would be inimical to the health, safety, and welfare of the Town in that the dwelling would continue to deteriorate, would create a fire and safety hazard, would be a threat to children and vagrants, would attract persons intent on criminal activities, would cause or contribute to blight and the deterioration of property values in the area, and would render unavailable property and a dwelling that might otherwise have been made available to ease the persistent shortage of decent and affordable housing in this State, then in such circumstances, the Governing Body may, after the expiration of such one (1) year period, enact an ordinance and serve such ordinance on the owner, setting forth the following:
- 1) If it is determined that the repair of the dwelling to render it fit for human habitation can be made at a cost not exceeding fifty percent (50%) of the then current value of the dwelling, the ordinance shall require that the owner either repair or demolish and remove the dwelling within ninety (90) days.
 - 2) If it is determined that the repair of the dwelling to render it fit for human habitation cannot be made at a cost not exceeding fifty percent (50%) of the then current value of the dwelling, the ordinance shall require the owner to demolish and remove the dwelling within ninety (90) days.
 - 3) This ordinance shall be recorded in the Orange County Register of Deeds and shall be indexed in the name of the property owner in the grantor index. If the owner fails to comply with this ordinance, the Code Enforcement Officer shall effectuate the purpose of the ordinance.
- h) Liens.
- 1) The amount of the cost of repairs, alterations, or improvements, or vacating and closing, or removal or demolition by the Code Enforcement Officer shall be realized in a lien against the real property upon which the cost was incurred, which lien shall be filed, have the same priority, and be collected as the lien for special assessment provided in Article 10 of Chapter 160A of the General Statutes.
 - 2) If the real property upon which the cost was incurred is located in an incorporated Town, then the amount of the cost is also a lien on any other real property of the owner located within the Town limits or within one (1) mile thereof except for the owner's primary residence. The additional lien provided in this sub-subdivision is inferior to all prior liens and shall be collected as a money judgment.
 - 3) If the dwelling is removed or demolished by the Code Enforcement Officer, the Town shall sell the materials of the dwelling, and any personal property, fixtures, or appurtenances found in or attached to the dwelling, and shall credit the proceeds of the sale against the cost of the removal or demolition, and any balance remaining shall be deposited in the superior court by the Code

Enforcement Officer, shall be secured in a manner directed by the court, and shall be disbursed by the court to the persons found to be entitled thereto by final order or decree of the court. Nothing in this section shall be construed to impair or limit in any way the power of the Town to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise.

- i) Civil action. If any occupant fails to comply with an order to vacate a dwelling, the Officer may file a civil action in the name of the Town to remove such occupant. The action to vacate the dwelling shall be in the nature of summary ejectment and shall be commenced by filing a complaint naming as defendant any person occupying such dwelling. The clerk of superior court shall issue a summons requiring the defendant to appear before a magistrate at a certain time, date, and place not to exceed ten (10) days from the issuance of the summons to answer the complaint. The summons and complaint shall be served as provided in G.S. 42-29. If the summons appears to have been duly served and if at the hearing the Code Enforcement Officer produces a certified copy of an ordinance adopted by the Governing Body pursuant to Subsection (f) of this section authorizing the Officer to proceed to vacate the occupied dwelling, the magistrate shall enter judgment ordering that the premises be vacated and that all persons be removed. The judgment ordering that the dwelling be vacated shall be enforced in the same manner as the judgment for summary ejectment entered under G.S. 42-30. An appeal against any judgment entered hereunder by the magistrate may be taken as provided in G.S. 7A-228, and the execution of such judgment may be stayed as provided in G.S. 7A-227. An action to remove an occupant of a dwelling who is a tenant of the owner may not be in the nature of a summary ejectment proceeding pursuant to this paragraph unless such occupant was served with notice at least thirty (30) days before the filing of the summary ejectment proceeding that the Governing Body has ordered the Officer to proceed to exercise his duties under subdivisions (4) and (5) of this section to vacate and close or remove and demolish the dwelling.
- j) Additional notices to affordable housing organizations. Whenever a determination is made pursuant to subdivision (3) of this section that a dwelling must be vacated and closed, or removed or demolished, under the provisions of this section, notice of the order shall be given by first-class mail to any organization involved in providing or restoring dwellings for affordable housing that has filed a written request for such notices. A minimum period of 45 days from the mailing of such notice shall be given before removal or demolition by action of the Officer, to allow the opportunity for any organization to negotiate with the owner to make repairs, lease, or purchase the property for the purpose of providing affordable housing. The Officer or clerk shall certify the mailing of the notices, and the certification shall be conclusive in the absence of fraud. Only an organization that has filed a written request for such notices may raise the issue of failure to mail such notices, and the sole remedy shall be an order requiring the Officer to wait forty-five (45) days before causing removal or demolition.

Sec. 4.4. Standards

This ordinance adopted under Article 12 of Chapter 160D provides that the Code Enforcement Officer may determine that a dwelling is unfit for human habitation if the Officer finds that conditions exist in the dwelling that render it dangerous or injurious to the health, safety, or welfare of the occupants of the dwelling, the occupants of neighboring dwellings, or other residents of the jurisdiction. Defective conditions include the following, without limiting the generality of the foregoing: defects therein increasing the hazards of fire, accident, or other calamities; lack of adequate ventilation, light, or sanitary facilities; dilapidation; disrepair; structural defects; or uncleanness. This ordinance provides the following additional standards to guide the Officers in determining the fitness of a dwelling for human habitation:

- a) Compliance with standards required.
 - 1) Every dwelling and dwelling unit used as a human habitation, or held out for use as a human habitation, shall comply with the conditions and standards below.

- 2) No person shall occupy as owner-occupant or let to another for occupancy or use as a human habitation, any dwelling or dwelling unit which does not comply with the conditions and standards listed below.
 - 3) Full compliance with a standard means that if any part of the stated standard is not complied with by a particular dwelling, then that dwelling has failed to fully comply with the enumerated standard. For example, in regard to standard (b)(10) below, if all standards are met in a dwelling except that a supply of hot water is not provided then the dwelling fails to fully comply with standard (b)(10).
- b) If the Officer finds one (1) or more of the following conditions to exist in a dwelling, then the dwelling is rendered unfit for human habitation:
- 1) Interior walls or vertical studs which seriously list, lean or buckle to such an extent as to render the dwelling unsafe.
 - 2) Supporting member or members which show thirty-three (33) percent or more damage or deterioration, or non-supporting, enclosing or outside walls or covering which shows fifty (50) percent or more of damage or deterioration.
 - 3) Floors or roofs which have improperly distributed loads, which are overloaded, or which have insufficient strength to be reasonably safe for the purpose used.
 - 4) Such damage by fire, wind, or other causes as to render the dwelling unsafe.
 - 5) Dilapidation, decay, unsanitary conditions, or disrepair which is dangerous to the health, safety or welfare of the occupants or other people in the Town.
 - 6) Inadequate facilities for egress in case of fire or panic.
 - 7) Defects significantly increasing the hazards of fire, accident, or other calamities.
 - 8) Lack of adequate ventilation, light, heating, or sanitary facilities to such extent as to endanger the health, safety or general welfare of the occupants or other residents of the Town.
 - 9) Lack of proper electrical, heating, or plumbing facilities required by this Article which constitutes a definite health or safety hazard.
 - 10) Lack of connection to a potable water supply and/or to the public sewer or other approved sewage disposal system, the lack of either one (1) of which renders a dwelling unfit for human habitation. For the purposes of this standard, a dwelling is not connected to a potable water supply if the water supply has been "cut off" because of nonpayment of the water bill pursuant to the Town's utilities ordinances or otherwise or if the system for any reason is not receiving a flow of potable water to the tap.
- c) If the Officer finds seven (7) or more of the following standards that a dwelling fails to fully comply with, then the dwelling is rendered unfit for human habitation:
- 1) Structural Standard - Structural Integrity. Walls, partitions, supporting members, sills, joists, rafters, or other structural members shall not list, lean or buckle, shall not be rotted, deteriorated, or damaged, and shall not have holes or cracks which might admit rodents.
 - 2) Structural Standard - Supports. Floors or roofs shall have adequate supporting members and strength to be reasonably safe for the purpose used.
 - 3) Structural Standard - Foundations. Foundations, foundation walls, piers or other foundation supports shall not be deteriorated or damaged.
 - 4) Structural Standard - Steps. Steps, stairs, landings, porches or other parts or appurtenances shall be maintained in such condition that they will not fail or collapse.
 - 5) Structural Standard - Egress. Adequate facilities for egress in case of fire or panic shall be provided.
 - 6) Structural Standard - Interior Materials. Interior walls and ceilings of all rooms, closets and hallways shall be furnished of suitable materials which will, by use of reasonable household methods,

promote sanitation and cleanliness, and shall be maintained in such a manner so as to enable the occupants to maintain reasonable privacy between various spaces.

- 7) Structural Standard – Weatherization. The roof, flashings, exterior walls, basement walls, floors and all doors and windows exposed to the weather shall be constructed and maintained to be weather and watertight.
- 8) Structural Standard – Chimneys. There shall be no chimneys or parts thereof which are defective, deteriorated or in danger of falling, or in such condition or location as to constitute a fire hazard.
- 9) Structural Standard – Floors. There shall be no use of the ground for floors, or wood floors on the ground.
- 10) Plumbing Standard – Facilities. Each dwelling unit shall contain not less than a kitchen sink, lavatory, tub or shower, water closet, and an adequate supply of both cold water and hot water. All water shall be supplied through an approved pipe distribution system connected to a potable water supply. For the purposes of this standard, a dwelling is not connected to a potable water supply if the water supply has been "cut off" because of non-payment of the water bill or otherwise or if the system for any reason is not receiving a flow of potable water to the tap.
- 11) Plumbing Standard – Maintenance. All plumbing fixtures shall meet the standards of the State Plumbing Code and shall be maintained in a state of good repair and in good working order.
- 12) Plumbing Standard – Accessible. All required plumbing fixtures shall be located within the dwelling and be accessible to the occupants of the same. The water closet and tub or shower shall be located in a room or rooms affording privacy to the user.
- 13) Heating Standard – Generally. Every dwelling shall have facilities for providing heat in accordance with either paragraph (a) or (b) below. Such facilities shall be maintained in a state of good repair and good working order.
 - a. Central and electrical heating systems. Every central or electric heating system shall be of sufficient capacity so as to heat all habitable rooms, bathrooms, and water closet compartments in every dwelling to which it is connected with a minimum temperature of seventy (70) degrees Fahrenheit measured at a point three (3) feet above the floor during average winter conditions.
 - b. Other heating facilities. Where a central or electric heating system is not provided, each dwelling shall be provided with sufficient electrical receptacles, fireplaces, chimneys, flues, or gas vents whereby heating appliances may be connected so as to heat all habitable rooms, bathrooms, and water closet compartments with a minimum temperature of seventy (70) degrees Fahrenheit measured three (3) feet above the floor during average winter conditions.
- 14) Electrical Standard – Wiring. Every dwelling shall be wired for electric lights and convenience receptacles. Every habitable room shall contain at least two (2) floor or wall type electrical convenience receptacles, connected in such manner as determined by the State Electric Code. There shall be installed in every bathroom, water closet room, laundry room and furnace room at least one (1) supplied ceiling or wall type electric light fixture. In the event wall or ceiling light fixtures are not provided in any habitable room, then each such habitable room shall contain at least three (3) floor or wall type electric convenience receptacles.
- 15) Electrical Standard - Hall Lights. Every public hall and stairway in every multiple dwelling shall always be adequately lit by electric lights when natural light is not sufficient.
- 16) Electrical Standard – Maintenance. All fixtures, receptacles, equipment, and wiring shall be maintained in a state of good repair, safe, capable of being used, and installed in accordance with the State Electric Code.
- 17) Ventilation Standard – Generally. Every habitable room shall have at least one (1) window or skylight facing directly to the outdoors. The minimum total window area, measured between stops, for every habitable room shall be ten percent of the floor area of such room. Whenever walls or

other portions of structures face a window of any such room and such light obstructions are located less than five (5) feet from the window and extend to a level above that of the ceiling of the room, such a window shall not be deemed to face directly to the outdoors and shall not be included as contributing to the required minimum total window area. Whenever the only window in a room is a skylight type window in the top of such a room, the total window area of such skylight shall equal at least fifteen percent of the total floor area of such room.

- 18) Ventilation Standard - Habitable rooms. Every habitable room shall have at least one (1) window or skylight which can easily be opened, or such other device as will adequately ventilate the room. The total openable window area in every habitable room, shall be equal to at least forty-five percent (45%) of the minimum window area size or minimum skylight type window size as required, or shall have other approved equivalent ventilation.
- 19) Ventilation Standard - Bathroom and water closet room. Every bathroom equipped with more than one (1) water closet compartment shall comply with the light and ventilation requirements for habitable rooms.
- 20) Space, Use, and Location Standard – Room sizes. Every dwelling unit shall contain at least the minimum room size in each habitable room as required by the State Residential Building Code. (Floor area shall be calculated based on habitable room area. However, closet area and wall area within the dwelling may count for not more than ten percent of the required habitable floor area. The floor area of any part of any room where the ceiling height is less than four and one-half (4½) feet shall not be considered as a part of the floor area in computing the total area of the room to determine maximum permissible occupancy.) Every dwelling unit shall contain at least one hundred fifty (150) square feet of habitable floor area for the first occupant, at least one hundred (100) square feet of additional habitable area for each of the next three (3) occupants, and at least seventy-five (75) square feet of additional habitable floor area for each additional occupant. In every dwelling unit and in every rooming unit, every room occupied for sleeping purposes by one (1) occupant shall contain at least seventy (70) square feet of floor area, and every room occupied for sleeping purposes by more than one (1) occupant shall contain at least fifty (50) square feet of floor area for each occupant twelve (12) years of age and over, and at least thirty-five (35) square feet of floor area for each occupant under twelve (12) years of age.
- 21) Space, Use, and Location Standard – Ceiling Height. At least one-half (½) of the floor area of every habitable room shall have a ceiling height of not less than seven feet and six inches (7'-6").
- 22) Space, Use, and Location Standard – Cellar. No cellar shall be used for living purposes unless:
 - a. the floor and walls are substantially watertight.
 - b. the total window area, total openable window area and ceiling height are equal to those required for a habitable room.
 - c. the required minimum window area of every habitable room is entirely above the grade adjoining such window area, except where the windows face a stairwell, window well or access way.
- 23) Safe and Sanitary Maintenance Standard – Exterior foundation, walls, and roofs. Every foundation wall, exterior wall and exterior roof shall be substantially weather tight and rodent proof; shall be kept in sound condition and good repair; shall be capable of affording privacy; shall be safe to use and capable of supporting the load which normal use may cause to be placed thereon. Every exterior wall shall be protected with paint or other protective covering to prevent the entrance of penetration of moisture or the weather.
- 24) Safe and Sanitary Maintenance Standard – Interior floors, walls, and ceilings. Every floor, interior wall and ceiling shall be substantially rodent proof; shall be kept in sound condition and good repair; and shall be safe to use and capable of supporting the load which normal use may cause to be placed thereon.

- 25) Safe and Sanitary Maintenance Standard – Windows and doors. Every window, exterior door, basement or cellar door and hatchway shall be substantially weather tight, water- tight and rodent proof; and shall be kept in sound working condition and good repair.
- 26) Safe and Sanitary Maintenance Standard – Stair's porches and appurtenances. Every inside and outside stair, porch and any appurtenances thereto shall be safe to use and capable of supporting the load that normal use may cause to be placed thereon; and shall be kept in sound condition and good repair.
- 27) Safe and Sanitary Maintenance Standard – Bathroom and kitchen floors. Every bathroom and kitchen floor surface and water closet compartment floor surface shall be constructed and maintained so as to be reasonably impervious to water and so as to permit such floor to be easily kept in sound condition and good repair.
- 28) Safe and Sanitary Maintenance Standard – Supplied facilities. Every supplied facility, piece of equipment or utility which is required under this Article shall be so constructed or installed that it will function safely and effectively and shall be maintained in satisfactory working condition.
- 29) Safe and Sanitary Maintenance Standard – Drainage. Every yard shall be properly graded so as to obtain thorough drainage and so as to prevent the accumulation of stagnant water.
- 30) Safe and Sanitary Maintenance Standard – Smoke Detector Systems. Every dwelling unit shall be provided with an approved listed smoke detector installed in accordance with the manufacturer's recommendations and listing. When activated, the detector shall provide an audible alarm. The detector shall be tested in accordance with and meet the requirements of UL 217, Single and Multiple Station Smoke Detectors.
- 31) Safe and Sanitary Maintenance Standard – Carbon Monoxide Alarm. Carbon monoxide alarms shall be provided in dwelling units in accordance with the NC Residential Code.
- 32) Insect, Rodent & Infestation Control Standard – Screens. For protection against mosquitoes, flies, and other insects ever, dwelling shall have:
 - a. Supplied and installed screens on every door opening leading directly from the dwelling to outdoor space. Except, that sliding doors, doors with self-closing devices, doors on mobile homes with self-closing devices and doors that open into rooms of living spaces that are artificially ventilated or air conditioned are exempt from this provision.
 - b. Supplied and installed screens on every window or other device with an opening to outdoor space, except that this requirement shall not apply for any room or rooms of a dwelling that are ventilated year-round with an operable and installed heating and air conditioning system.
- 33) Insect, Rodent & Infestation Control Standard – Rodent Control. Every basement or cellar window used or intended to be used for ventilation, and every other opening to a basement which might provide an entry for rodents, shall be supplied with screens installed or such other approved device as will effectively prevent their entrance.
- 34) Insect, Rodent & Infestation Control Standard – Infestation. Every dwelling shall be maintained in a manner to be free of any infestations of insects, rodents, or other pests. Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of any insects, rodents, or other pests therein or on the premises; and every occupant of a dwelling unit in a dwelling containing more than one (1) dwelling unit shall be responsible for such extermination whenever his dwelling unit is the only one (1) infested. Whenever infestation exists in two (2) or more of the dwelling units in any dwelling or in the shared or public parts of any dwelling containing two (2) or more dwelling units, extermination shall be the responsibility of the owner.
- 35) Insect, Rodent & Infestation Control Standard – Rubbish storage and disposal. Every dwelling shall be supplied with approved containers and covers for storage of rubbish as required by Town ordinances, and the owner, operator, or agent in control of such dwelling or dwelling unit shall be responsible for the removal of rubbish.

- 36) Insect, Rodent & Infestation Control Standard – Garbage storage and disposal. Every dwelling shall be supplied with an approved garbage disposal facility, which may be an adequate mechanical garbage disposal unit (mechanical sink grinder) in each dwelling unit or an incinerator unit, to be approved by the Officer, in the structure for the use of the occupants of each dwelling unit, or an approved outside garbage container as required by Town ordinances.
- 37) Rooming House Standard – Water closet, hand lavatory and bath facilities. At least one (1) water closet, lavatory basin and bathtub or shower, properly connected to an approved water and sewer system and in good working condition, shall be supplied for each four (4) rooms within a rooming house wherever such facilities are shared. All such facilities shall be located within the residence building served, shall be directly accessible from a common hall or passageway and shall not be more than one (1) story removed from any of the persons sharing such facilities. Every lavatory basin and bathtub or shower shall be supplied with hot and cold water at all times. Such required facilities shall not be located in a cellar.
- 38) Rooming House Standard – Minimum floor area for sleeping purposes. Every room occupied for sleeping purposes by one (1) occupant shall contain at least seventy (70) square feet of floor area, and every room occupied for sleeping purposes by more than one (1) occupant shall contain at least fifty (50) square feet of floor area for each occupant twelve (12) years of age and over and at least thirty-five (35) square feet of floor area for each occupant under twelve (12) years of age.
- 39) Rooming House Standard – Sanitary conditions. The operator of every rooming house shall be responsible for the sanitary maintenance of all walls, floors, and ceilings, and for the sanitary maintenance of every other part of the rooming house; and shall be further responsible for the sanitary maintenance of the entire premises where the entire structure or building within which the rooming house is contained is leased or occupied by the operator.
- 40) Rooming House Standard – Sanitary facilities. Every water closet, flush urinal, lavatory basin and bathtub or shower required by Sec. 8-79(c)(36) shall be located within the rooming house and within a room or rooms which afford privacy and are separate from the habitable rooms, and which are accessible from a common hall and without going outside the rooming house or through any other room therein.
- d) Rooming House Standards Exception. All of the provisions of this Article, and all of the minimum standards and requirements of this Article, shall be applicable to rooming houses, and to every person who operates a rooming house or who occupies or lets to another for occupancy any rooming unit in any rooming house, except as provided in the subsections 36-39 of Secs. 8-79(c).
- e) Structure and materials. Ceilings, walls, and floors shall not have any serious defects such as severe bulging or leaning, large holes, loose surface materials, severe buckling or noticeable movement under walking stress, missing parts, or other serious damage. The exterior wall structure and exterior wall surface shall not have any serious defects such as serious leaning, buckling, sagging, cracks or holes, loose siding, or other serious damage. The condition and equipment of interior and exterior stairways, halls, porches, walkways, etc., shall be such as not to present a danger of tripping or falling.
- f) Access. The dwelling unit shall be useable and capable of being maintained without unauthorized use of other private properties. The building shall provide an alternate means of egress in case of fire (such as fire stairs or egress through windows).
- g) Space and security. A living room, kitchen area and bathroom shall be present and shall contain at least one (1) sleeping or living/sleeping room of appropriate size for each two (2) persons. Exterior doors and windows accessible from outside the dwelling shall be lockable.
- h) Heating system. Unvented room heaters which burn gas, oil or kerosene are unacceptable.

Sec. 4.5. Service Of Complaints and Orders

- a) Complaints or orders issued by a Code Enforcement Officer pursuant to an ordinance adopted under Article 12 of Chapter 160D shall be served upon persons either personally or by certified mail. When service

is made by certified mail, a copy of the complaint or order may also be sent by regular mail. Service shall be deemed sufficient if the certified mail is unclaimed or refused but the regular mail is not returned by the post office within ten (10) days after the mailing. If regular mail is used, notice of the pending proceedings shall be posted in a conspicuous place on the premises affected and shall be assumed to be served.

- b) If the identities of any owners or the whereabouts of persons are unknown and cannot be ascertained by the Officer in the exercise of reasonable diligence, or, if the owners are known but have refused to accept service by certified mail, and the Officer makes an affidavit to that effect, then the serving of the complaint or order upon the owners or other persons may be made by publication in a newspaper having general circulation in the jurisdiction at least once no later than the time at which personal service would be required under the provisions of Article 12 of Chapter 160D. When service is made by publication, a notice of the pending proceedings shall be posted in a conspicuous place on the premises thereby affected and shall be assumed to be served.

Sec. 4.6. Periodic Inspections

- a) Except as provided in Sec. 8-81(b), the Code Enforcement Officer may make periodic inspections only when there is reasonable cause to believe that unsafe, unsanitary, or otherwise hazardous or unlawful conditions may exist in a residential building or structure. However, when the Officer determines that a safety hazard exists in one (1) of the dwelling units within a multifamily building, which in the opinion of the officer poses an immediate threat to the occupant, the Officer may inspect, in the absence of a specific complaint and actual knowledge of the unsafe condition, additional dwelling units in the multifamily building to determine if that same safety hazard exists. For purposes of this section, the term "reasonable cause" means any of the following:
 - 1) the landlord or owner has a history of more than two (2) verified violations of the housing ordinances or codes within a twelve (12)-month period,
 - 2) there has been a complaint that substandard conditions exist within the building or there has been a request that the building be inspected,
 - 3) the planning department has actual knowledge of an unsafe condition within the building, or
 - 4) violations of the Town ordinances or codes are visible from the outside of the property. In conducting inspections authorized under this section, the Officer shall not discriminate between single-family and multifamily buildings or between owner-occupied and tenant-occupied buildings. In exercising this power, the Officer shall have a right to enter on any premises within the jurisdiction of the Town at all reasonable hours for the purposes of inspection or other enforcement action, upon presentation of proper credentials. Nothing in this section shall be construed to prohibit periodic inspections in accordance with State Fire Prevention Code or as otherwise required by State law.
- b) In no event may the Town do any of the following:
 - 1) adopt or enforce any ordinance that would require any owner or manager of rental property to obtain any permit or permission under Article 11 or Article 12 of Chapter 160D from the Town to lease or rent residential real property or to register rental property with the Town, except for those individual properties that have more than four (4) verified violations in a rolling twelve (12)-month period or two (2) or more verified violations in a rolling thirty (30)-day period, or upon the property being identified within the top ten percent (10%) of properties with crime or disorder problems as set forth in a local ordinance,
 - 2) require that an owner or manager of residential rental property enroll or participate in any governmental program as a condition of obtaining a certificate of occupancy,

- 3) levy a special fee or tax on residential rental property that is not also levied against other commercial and residential properties, unless expressly authorized by general law or applicable only to an individual rental unit or property described in Sec. 8-81(c)(1) and the fee does not exceed five hundred dollars (\$500.00) in any twelve (12)-month period in which the unit or property is found to have verified violations,
- 4) provide that any violation of a rental registration ordinance is punishable as a criminal offense, or
- 5) require any owner or manager of rental property to submit to an inspection before receiving any utility service provided by the Town.
- 6) For purposes of this section, the term "verified violation" means all of the following:
 - a. The aggregate of all violations of housing ordinances or codes found in an individual rental unit of residential real property during a seventy-two (72)-hour period.
 - b. Any violations that have not been corrected by the owner or manager within twenty-one (21) days of receipt of written notice from the Town of the violations. Should the same violation occur more than two (2) times in a twelve (12)-month period, the owner or manager may not have the option of correcting the violation. If the housing code provides that any form of prohibited tenant behavior constitutes a violation by the owner or manager of the rental property, it shall be deemed a correction of the tenant-related violation if the owner or manager, within thirty (30) days of receipt of written notice of the tenant-related violation, brings a summary ejectment action to have the tenant evicted.
- c) If a property is identified by the Code Enforcement Officer as being in the top ten percent (10%) of properties with crime or disorder problems, the Officer shall notify the landlord of any crimes, disorders, or other violations that will be counted against the property to allow the landlord an opportunity to attempt to correct the problems. In addition, the Officer and the County sheriff's office or Town's police department shall assist the landlord in addressing any criminal activity, which may include testifying in court in a summary ejectment action or other matter to aid in evicting a tenant who has been charged with a crime. If the County sheriff's office or Town's police department does not cooperate in evicting a tenant, the tenant's behavior or activity at issue shall not be counted as a crime or disorder problem as set forth in the local ordinance, and the property may not be included in the top ten percent (10%) of properties as a result of that tenant's behavior or activity.
- d) If the Officer takes action against an individual rental unit under this section, the owner of the individual rental unit may appeal the decision to the Board of Adjustment (Board of Appeals) acting as the Housing Appeals Board. The board shall fix a reasonable time for hearing appeals, shall give due notice to the owner of the individual rental unit, and shall render a decision within a reasonable time. The owner may appear in person or by agent or attorney. The board may reverse or affirm the action, wholly or partly, or may modify the action appealed from, and may make any decision and order that in the opinion of the board ought to be made in the matter.

Sec. 4.7. Remedies

- a) As authorized by G.S. 160D-305, this ordinance provides for the Board of Adjustment (Board of Appeals) to act as the Housing Appeals Board. An appeal from any decision or order of the Code Enforcement Officer is a quasi-judicial matter and may be taken by any person aggrieved thereby or by any officer, board, or commission of the Town. Any appeal from the Officer shall be taken within ten (10) days from the rendering of the decision or service of the order by filing with the Officer and with the Board of Adjustments (Board of Appeals) a notice of appeal that shall specify the grounds upon which the appeal is based. Upon the filing of any notice of appeal, the Officer shall forthwith transmit to the board all the papers constituting the record upon which the decision appealed from was made. When an appeal is from a decision of the Officer refusing to allow the person aggrieved thereby to do any act, the decision remains in force until modified or reversed. When any appeal is from a decision of the Officer requiring the person aggrieved to

do any act, the appeal has the effect of suspending the requirement until the hearing by the board, unless the Code Enforcement Officer certifies to the board, after the notice of appeal is filed with the officer, that because of facts stated in the certificate, a copy of which shall be furnished the appellant, a suspension of the requirement would cause imminent peril to life or property. In that case the requirement is not suspended except by a restraining order, which may be granted for due cause shown upon not less than one (1) day's written notice to the Officer, by the board, or by a court of record upon petition made pursuant to Sec. 6-161(d).

- b) The Board of Adjustments (Board of Appeals) shall fix a reasonable time for hearing appeals, shall give due notice to the parties, and shall render its decision within a reasonable time. Any party may appear in person or by agent or attorney. The Board of Adjustments (Board of Appeals) may reverse or affirm, wholly or partly, or may modify the decision or order appealed from, and may make any decision and order that in its opinion ought to be made in the matter, and, to that end, it has all the powers of the Officer, but the concurring vote of four (4) members of the Board of Adjustments (Board of Appeals) is necessary to reverse or modify any decision or order of the Officer. The Board of Adjustments (Board of Appeals) also has power in passing upon appeals, when unnecessary hardships would result from carrying out the strict letter of the ordinance, to adapt the application of the ordinance to the necessities of the case to the end that the spirit of the ordinance is observed, public safety and welfare secured, and substantial justice done.
- c) Every decision of the Board of Adjustments (Board of Appeals) is subject to review by proceedings in the nature of certiorari instituted within fifteen (15) days of the decision of the board, but not otherwise.
- d) Any person aggrieved by an order issued by the Officer, or a decision rendered by the Board of Adjustments (Board of Appeals) may petition the superior court for an injunction restraining the Officer from carrying out the order or decision and the court may, upon such petition, issue a temporary injunction restraining the Officer pending a final disposition of the cause. The petition shall be filed within thirty (30) days after issuance of the order or rendering of the decision. Hearings shall be held by the court on a petition within twenty (20) days and shall be given preference over other matters on the court's calendar. The court shall hear and determine the issues raised and shall enter such final order or decree as law and justice may require. It is not necessary to file the bond in any amount before obtaining a temporary injunction under this subsection.
- e) If any dwelling is erected, constructed, altered, repaired, converted, maintained, or used in violation of Article 12 of Chapter 160D or of any ordinance or code adopted under authority of Article 12 of Chapter 160D or any valid order or decision of the Officer or the Governing Body made pursuant to any ordinance or code adopted under authority of Article 12 of Chapter 160D, the Officer or the Governing Body may institute any appropriate action or proceedings to prevent the unlawful erection, construction, reconstruction, alteration, or use; to restrain, correct, or abate the violation; to prevent the occupancy of the dwelling; or to prevent any illegal act, conduct, or use in or about the premises of the dwelling.

Sec. 4.8. Compensation to Owners of Condemned Property

Nothing in Article 12 of Chapter 160D shall be construed as preventing the owner or owners of any property from receiving just compensation for the taking of property by the power of eminent domain under the laws of this State nor as permitting any property to be condemned or destroyed except in accordance with the police power of the State.

Sec. 4.9. Powers of Code Enforcement Officer

Pursuant to NCGS 160D-1210, the Officer shall have the following powers:

- a) To investigate the dwelling conditions in the Town's planning and development regulation jurisdiction in order to determine which dwellings therein are unfit for human habitation.
- b) To administer oaths, affirmations, examine witnesses, and receive evidence.
- c) To enter upon premises for the purpose of making examinations in a manner that will do the least possible inconvenience to the persons in possession.

- d) To appoint and fix the duties of officers, agents, and employees necessary to carry out the purposes of the ordinances.
- e) To delegate any of his or her functions and powers under the ordinance to other officers and other agents.
- f) To carry out the objectives of this article with respect to such dwellings.
- g) To take such action, together with other appropriate departments and agencies, public and private, as may be necessary to effect rehabilitation of housing which is deteriorated.
- h) To keep record of the results of inspection made under this article and an inventory of those dwellings that do not meet the minimum standards of fitness herein prescribed.
- i) To perform such other duties as may be herein prescribed.

Sec. 4.10. Administration of Ordinance

Pursuant to NCGS 160D-1211, the finance officer and appropriate staff shall prepare an estimate of the annual expenses or costs to provide the equipment, personnel, and supplies necessary for periodic examinations and investigations of the dwellings for the purpose of determining the fitness of dwellings for human habitation and for the enforcement and administration of its ordinances adopted under Article 12 of Chapter 160D. The Town is authorized to make appropriations from its revenues necessary for this purpose and may accept and apply grants or donations to assist it.

Sec. 4.11. Supplemental Nature of Ordinance

Pursuant to NCGS 160D-1212, nothing in this Ordinance shall be construed to abrogate or impair the powers of the courts or of any department of the Town to enforce any provisions of its charter or its ordinances or regulations nor to prevent or punish violations thereof. The powers conferred by this Article shall be supplemental to the powers conferred by any other law in carrying out the provisions of the ordinances.

Sec. 4.12. Accessory Structures

- a) Fences and other accessory structures shall either be maintained in a safe and substantial condition or demolished and removed.
- b) Exterior surfaces, not inherently resistant to deterioration, shall be treated with protective coating, such as paint or other suitable preservative, and with sufficient frequency to prevent deterioration.
- c) Any electrical, plumbing, heating or other utilities furnished with an accessory structure shall be installed in accordance with applicable code provisions; and maintained in a safe condition.
- d) Every accessory structure shall be properly maintained in a clean and sanitary condition and free from physical hazards and other matter detrimental to the public health.

Sec. 4.13 Demolition of Dwellings

Where a building is under the jurisdiction of this Code, the building may be demolished by the owner provided that the following requirements are met:

- a) Obtain a Demolition Permit from the Orange County Building Inspections Department.
- b) Remove and properly dispose of all asbestos containing materials (ACM's).
- c) Properly close off and disconnect all electric, sanitary sewer, gas, water and similar taps or connections.
- d) Grade the lot to a smooth, even, finished grade, free from building material, debris, holes, and/or depressions. Where building debris remains on the site below street level, the owner must back fill the lot with no less than twelve (12) inches of clean fill which shall be graded to a smooth, even finished grade over any remaining debris; and
- e) Where walls of adjacent buildings become exposed as a result of the demolition, said walls must have all doors, windows, vents or other similar openings closed with material of the type comprising the wall. No protrusions or loose material shall be in the wall. The exposed wall shall be painted, stucco, or bricked by such building's owner so as not to detract from the aesthetics and value of the adjacent property and weatherproofed, if necessary, to prevent deterioration of the wall.

Sec. 4.14. Alternative Remedies

Neither this article nor any of its provisions shall be construed to impair or limit in any way the power of the Town to define and declare nuisances and to cause their abatement by summary action or otherwise, or to enforce this article by criminal process as authorized by G.S. 14-4 and section 1-12, and the enforcement of any remedy provided herein shall not prevent the enforcement of any other remedy or remedies provided herein or in other ordinances or laws.

Sec. 4.15. Conflict with Other Provisions

In the event any provision, standard or requirement of this article is found to be in conflict with any provision of any other ordinance or code of the Town, the provision which establishes the higher standard or more stringent requirement for the promotion and protection of the health and safety of the residents of the Town shall prevail.

Sec. 4.16. Violations; Penalty

- a) It shall be unlawful for the owner to occupy or to permit the occupancy by others or for anyone to occupy a dwelling which has been posted with the notices authorized by this Article after the time prescribed in the notice for the vacation of said dwelling. Each day's occupancy after said date shall be a separate and distinct offense.
- b) Any owner of a dwelling who fails to comply with an order to repair, vacate and close or demolish any dwelling determined to be unfit for human habitation pursuant to the provisions contained in this Article, or who permits the re-occupancy of an unfit dwelling in violation of this Article shall be subject to a civil penalty of \$100.00 for the first day following the expiration of an order to repair, vacate and close or demolish any dwelling or following a determination that an unfit dwelling has been reoccupied in violation of this Article. In each instance, a penalty of \$100.00 per day shall be imposed for each subsequent day that the unfit dwelling remains in violation of an order issued pursuant to this Article or in violation of this Article. If a person fails to pay the civil penalty within 30 days after being notified of the amount due, the Town may recover the penalty together with all costs by filing a civil action in the general court of justice in the nature of a suit to collect a debt.
- c) Any owner of a dwelling whose property shall be subject to an order to repair, vacate and close, or demolish said dwelling or who permits the re-occupancy of an unfit dwelling as provided in subsection (c) shall on the second offense occurring within 1 year be subject to an additional civil penalty of \$100.00 for the first day following the expiration of the order to repair, vacate and close or demolish said dwelling or the unlawful re-occupancy of the unfit dwelling. In each instance, a penalty of \$100.00 per day shall be imposed for each subsequent day that the unfit dwelling remains in violation of the order or remains unlawfully occupied. If a person fails to pay the civil penalty within 30 days after being notified of the amount due, the Town may recover the penalty together with all costs by filing a civil action in the general court of justice in the nature of a suit to collect a debt.
- d) Any owner of a dwelling who fails to comply with an order to repair, vacate and close or demolish any dwelling determined unfit for human habitation pursuant to the provisions contained in this Article shall be subject to an additional civil penalty of \$100.00 for the first day following the effective date of a Town Ordinance declaring said dwelling to be unfit for human habitation or ordering it to be repaired or demolished. In each instance, a penalty of \$100.00 per day shall be imposed for each subsequent day that the unfit dwelling remains in violation of the Ordinance or remains unlawfully occupied. If a person fails to pay the civil penalty within 30 days after being notified of the amount due, the Town may recover the penalty together with all costs by filing a civil action in the general court of justice in the nature of a suit to collect a debt.
- e) When the building is declared unsafe the person in violation shall be guilty of a misdemeanor and shall be punished as provided by law.

Sec. 4.17. Administrative Fee

In addition to any other charge, any owner of a dwelling, dwelling unit or rooming unit located within the Town and its extraterritorial jurisdiction shall be subject to an administrative fee of \$150.00 upon an inspection hearing disclosing violations of minimum housing code standards.

In addition to any other charge, any owner of a dwelling, dwelling unit or rooming unit located within the Town and its extraterritorial jurisdiction shall be subject to an administrative fee of \$150.00 upon any additional inspection hearing disclosing violations of minimum housing code standards within the same 12-month period. The property owner may also be assessed for any costs incurred in obtaining service including legal publication of notice of complaint charges, hearing notice and findings of fact and orders related to the dwelling.

Section 2. All provisions of any town ordinance in conflict with this ordinance are repealed.

Section 3. This ordinance shall become effective upon adoption.

The foregoing ordinance having been submitted to a vote, received the following vote and was duly adopted this 8th day of September in the year 2025.

Ayes: 5

Noes: 0

Absent or excused: 0



Sarah E. Kimrey

Sarah E. Kimrey, Town Clerk



ORDINANCE

Amending Section II-58: Nuisance Abatement Through Section II-63: Order

The Hillsborough Board of Commissioners ordains:

Section 1. The Code of Ordinances shall be amended as follows:

Sec. 11-58. Nuisance abatement.

- (a) Upon the determination that a property is a nuisance, as defined in this chapter, the code enforcement officer will notify the person in possession of the property and the current owner of record of their findings and a clear written description of the necessary corrective actions. This notice will be either by certified mail with a return receipt or via personal delivery. If corrective action has not been taken within ten (10) days of receipt of the notice of the nuisance by the person in possession of the property, the town will proceed with the abatement procedure in subsection (c) of this section.
- (b) In the case where the person in possession of the property cannot be contacted through certified mail or personal delivery, the property will be publicly posted with a notice of the nuisance. In the case of a property posting, the responsible party will have twenty (20) days to take corrective action. Personal delivery of a written notice shall be documented through a signed acknowledgment of receipt. A photo of property posting will be taken and retained in the case file.
- (c) The Town of Hillsborough will take action to abate nuisance situations through one of the following methods:
 - (1) Arrange a written agreement with the responsible party to establish special collections at the property for a fee established by the sanitation superintendent;
 - (2) Arrange for town staff to bring the property into compliance for a fee established by the sanitation superintendent to cover the town's expenses for labor, equipment, and disposal; or
 - (3) Arrange for a private contractor to bring the property into compliance for a negotiated fee.
- (d) The responsible party and property owner will receive written notification of the correction method and cost involved five working days before corrective action is taken.
- (e) Fees for special collections will be collected as stated in section 11-21. Other abatement fees will be collected through a payment schedule or as a lien on the property, at the discretion of the town manager in consultation with the code enforcement officer, finance director, and responsible party.

Part II. Extraordinary Remedies

Sec. 11-59. Summary abatement of conditions dangerous or prejudicial to public health.

If the Board concludes, after notice and hearing as provided in this part, that any condition or situation prohibited by this chapter or any other condition or situation is dangerous or prejudicial to the public health or safety, it may order town officials to summarily remove, abate, or remedy everything so found within the town limits. The expense of this action shall be paid by the person in default and, if not paid, shall be a lien upon the land or premises where the trouble arose and shall be collected as unpaid taxes.

Sec. 11-60. Notice required.

- (a) Before the action authorized by section 11-59 is taken, notice shall be sent to the respondent, informing them:
 - (1) What condition or situation is alleged to be dangerous or prejudicial to the public health or safety;
 - (2) When and where the Board will meet to hold a hearing on the issue of whether the condition cited is dangerous or prejudicial to public health;
 - (3) That if the Board determines that the cited condition is dangerous or prejudicial to public health or safety, it may order town officials to summarily abate, remedy, or correct the offending condition;
 - (4) That the expense incurred by the town in connection with the actions described in subsection (a)(3) of this section, if not paid by the respondent, shall become a lien upon the land where the offending condition is located, to be collected as unpaid taxes.

Sec. 11-61 Notice to Abate.

- (a) Whenever it shall come to the attention of the Code Enforcement Officer that there exists on any lot or parcel of land in the Town any of the conditions enumerated in Section 11-60, the Code Enforcement Officer shall give the owner a notice to promptly abate such conditions within ten (10) calendar days from the date of such written notice.
- (b) The notice of violation letter:
 - (1) Shall be delivered to the property owner and indicate that the violation exists, and that the violation must be remedied within ten (10) days of the date of the letter.
 - (2) May be delivered to any person liable, including the occupant of the property and/or the person undertaking the work or activity.
 - (3) Shall be delivered by personal delivery, electronic delivery, or certified and first-class mail.
 - (4) Shall be posted in a conspicuous place on the property.
 - (5) Shall state that upon expiration of the ten (10) day warning period, the offender shall be subject to a civil penalty:
- (c) Such written notice:
 - (1) May be delivered to any person liable, including the occupant of the property and/or the person undertaking the work or activity;
 - (2) Shall be delivered by personal delivery, electronic delivery, or certified and first-class mail;
 - (3) Shall be posted in a conspicuous place on the property; and
 - (4) Shall state that upon expiration of the ten (10) day warning period, the offender shall be subject to a civil penalty:
- (d) For purposes of this part, the respondent is the person who is responsible for the offending condition, as well as the owner of the property where the offending condition is located, if different from the former.

Sec. 11-62. Hearing procedures.

At the hearing held pursuant to this part, the town administration shall be responsible for presenting sufficient evidence to the Board to substantiate a finding that a condition exists that is dangerous or prejudicial to the public health or safety. The Board may consider all reliable evidence and need not be bound by the strict rules of evidence applicable to courts of law, but all witnesses shall be sworn. The respondent may be represented by counsel and may present evidence. All parties may cross examine adverse witnesses. At the conclusion of the hearing, the Board shall make findings of fact, state its conclusions, and enter an appropriate order. The Board's

findings of fact, conclusion and order shall be reduced to writing and a copy sent by mail or delivered to the respondent within 30 days following the hearing.

Sec. 11-63. Order.

If the Board concludes that a situation or condition exists that is dangerous or prejudicial to the public health or safety, it may:

- (1) Order appropriate town officials or employees to summarily remove, abate or remedy everything so found and to assess the cost of this action against the respondent in accordance with section 11-59; or
- (2) Order the respondent to correct the situation within a specified time period and order town officials to abate, correct, or remedy the offending condition if the respondent fails to act within the prescribed time limits. If town officials are required to take corrective action, the costs shall be assessed against the respondent in accordance with section 11-59.

Section 2. All provisions of any town ordinance in conflict with this ordinance are repealed.

Section 3. This ordinance shall become effective upon adoption.

The foregoing ordinance, having been submitted to a vote, received the following vote and was duly adopted this 8th day of September in the year 2025.

Ayes: 5
Noes: 0
Absent or excused: 0





Sarah E. Kimrey, Town Clerk



ORDINANCE

Amending Chapter II, Article IV: Abandoned, Junked Motor Vehicles

The Hillsborough Board of Commissioners ordains:

Section 1. The Code of Ordinances shall be amended as follows:

ARTICLE IV. - ABANDONED, NUISANCE, AND AESTHETIC NUISANCE MOTOR VEHICLES

Sec. 11-26 Definitions

For the purpose of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Abandoned motor vehicle. As defined in G.S. 160A-303 as written or subsequently amended, a motor vehicle that:

- (a) Has been left upon a street or highway in violation of a law or ordinance prohibiting parking; or
- (b) Is left on property owned or operated by the Town for longer than 24 hours without the consent of the Town; or
- (c) Is left on private property without the consent of the owner or occupant or lessee thereof for longer than two hours; or
- (d) Is left on any public street or highway for longer than seven days or is determined by law enforcement to be a hazard to the motoring public.

Aesthetic nuisance vehicle. A junked motor vehicle on public or private property that has been determined by authorizing officials of the police or planning departments to be so offensive to the sight as to damage the community, neighborhood, or general area appearance. In making the determination, the authorizing official must find that the aesthetic benefits of removing the vehicle outweigh the burdens imposed on the private property owner. Such findings shall be based on a balancing of the monetary loss of the apparent owner against the corresponding gain to the public by promoting or enhancing community, neighborhood, or area appearance. Factors that may be considered are protection of property values, promotion of tourism, indirect protection of health and safety, preservation of the character, and integrity of the community, or promotion of the comfort, happiness, and emotional stability of area residents, provided that this definition shall not apply to any motor vehicle that is used on a regular basis for business or personal use nor shall it apply to the removal or disposal of a motor vehicle kept or stored at a lawfully established bona fide "auto graveyard" or "junkyard" as defined in G.S. 136-143.

Antique motor vehicle. A motor vehicle but not a reproduction thereof, manufactured more than 25 years prior to the current year and which, because of discontinued production and limited availability, is considered to be a model or make of significant value to collectors or exhibitors and which has been maintained in or restored, or will be maintained in or restored to a condition which is substantially in

conformity with the manufacturer's specifications and appearance, and is listed for ad valorem taxes in Orange County.

Authorized official. The supervisory employee of the police and/or planning office designated to authorize the removal of vehicles under the provisions of this article.

Junked motor vehicle. As defined in G.S. 160A-303 as written or subsequently amended, a motor vehicle that does not display a current license plate lawfully upon that vehicle and:

- (a) Is partially dismantled or wrecked; or
- (b) Cannot be self-propelled or moved in the manner in which it originally was intended to move; or
- (c) Is more than five years old and appears to be worth less than \$500.

Motor vehicle or vehicle. As defined in G.S. 160A-303 as written or subsequently amended, all machines designed or intended to travel over land or water by self-propulsion or while attached to any self-propelled vehicle.

Nuisance vehicle. A motor vehicle on public or private property that is determined and declared to be a health or safety hazard, a public nuisance, or unlawful, including a vehicle found to be any of the following:

- (a) A breeding ground or harbor for mosquitoes, other insects, rats, or other pests; or
- (b) A point of heavy growth of weeds or other noxious vegetation over eight inches in height; or
- (c) A point of collection of pools or ponds of water; or
- (d) A point of concentration of quantities of gasoline, oil, or other flammable or explosive materials as evidenced by odor; or
- (e) One that has areas of confinement that cannot be operated from the inside, such as trunks, hoods, and the like; or
- (f) So situated or located that there is a danger of it falling or turning over; or
- (g) One that is a point of collection of garbage, food waste, animal waste, or any other matter that is rotten or likely to decay; or
- (h) One that has sharp parts which are jagged or contain sharp edges of metal or glass; or
- (i) Any other vehicle specifically declared a health and safety hazard or a public nuisance by the Governing Body.

Tow. As used in this article, the word tow in any of its forms shall mean removing a vehicle by any means including towing and storing the vehicle.

Sec. 11-27 Abandoned, Nuisance, and Aesthetic Nuisance Vehicles Unlawful; Towing Authorized; Responsibility for Costs

- (a) *Abandoned vehicles.* It shall be unlawful for the registered owner or person entitled to possession of a motor vehicle to abandon the motor vehicle on public or private property within the Town's municipal boundaries for such time and under such circumstances as to cause the vehicle to appear to have been abandoned.
- (b) *Nuisance vehicles.* It shall be unlawful for the registered owner or person entitled to possession of a motor vehicle or for the owner, lessee, or occupant of the real property upon

which the vehicle is located to leave or allow the vehicle to remain on the property after it has been declared a nuisance vehicle.

- (c) *Aesthetic nuisance vehicles.* It shall be unlawful for the registered owner or person entitled to possession of a motor vehicle or for the owner, lessee, or occupant of the real property upon which the vehicle is located to leave or allow the vehicle to remain on the property after it has been declared an aesthetic nuisance vehicle.
- (d) *Towing authorized.* Upon investigation, the authorizing officials may determine and declare that a motor vehicle is abandoned, a nuisance vehicle or aesthetic nuisance vehicle and order the vehicle towed.
- (e) *Owner responsible for removal costs.* If an abandoned, nuisance, or aesthetic nuisance vehicle is removed by or at the direction of the Town, the owner shall pay all costs incidental to the removal and storage of such vehicle and incident to locating the owner thereof.

Sec. 11-28 Administration

- (a) *Responsibility of the Town.*
 - 1) The code enforcement officer shall be responsible for the administration and enforcement of this article. The authorizing official of the police department shall be responsible for administering the towing and disposition of vehicles determined to be "abandoned" on the public streets, rights of way, and highways within the Town, and property owned by the Town. The code enforcement officer and/or planning department may be responsible for determining which vehicles are nuisance or aesthetic nuisance vehicles and shall be responsible for towing and disposing of abandoned, nuisance, and aesthetic nuisance vehicles located on private property. The Town may, on an annual basis, contract with private tow truck operators or towing businesses to tow, store, and dispose of abandoned, nuisance and aesthetic nuisance vehicles in accordance with this article and applicable state law.
 - 2) Nothing in this article shall be construed to limit the legal authority or powers of the code enforcement officer in enforcing any other laws or otherwise carrying out their duties.
- (b) *Right to inspect vehicles on private property.* Authorized officials shall have the right, upon presentation of proper credentials and identification, to enter any premises within the jurisdiction of this article during daylight hours to determine if any vehicle is a health or safety hazard or is distracting from the aesthetics of the area.

Sec. 11-29 Removal of Abandoned, Nuisance, and Aesthetic Nuisance Vehicles; Pre-Towing Notice Requirements

- (a) *Pre-towing notice not required.* Except as set forth in subsection (d) below, an abandoned motor vehicle may be towed by or at the direction of the Town without pre-towing notice if the abandoned motor vehicle has a valid license plate and registration or if the last registered owner is known to the Town, provided post-towing notice is thereafter given as set forth in section 26-88.5.

- (b) *Pre-towing notice required.* Except as set forth in subsection (d) below, an abandoned motor vehicle without a valid license plate or registration, or for which the Town does not know the last registered owner, nuisance and aesthetic nuisance vehicles, shall be towed only after notice to the owner or person entitled to possession of the vehicle. Notice shall be given by affixing notice on the windshield or some other conspicuous place on the vehicle. The notice shall state that the vehicle will be removed by the Town on a specified date, no sooner than seven (7) days after the notice is affixed or mailed, unless the vehicle is moved by the owner or legal possessor prior to that time and that a civil penalty may be imposed. Additionally, in the case of a nuisance and aesthetic nuisance motor vehicle, if the names and mailing addresses of the owners of the vehicle or the real property upon which it is located can be ascertained in the exercise of reasonable diligence, the notice shall also be given to both by first-class mail. The person who mails notices shall retain a written record to show the names and addresses to which mailed, and the date mailed.
- (c) *Pre-towing appeal.* If the owner or person entitled to possession does not remove the vehicle but chooses to appeal the determination that the vehicle is a nuisance or aesthetic nuisance vehicle, such appeal shall be made within thirty (30) days of the date of the pre-towing notice to the Planning Director as hearing officer. The Planning Director shall have ten days to issue a decision. Further proceedings to remove the vehicle and to impose the penalties provided in section 26-88.11 shall be stayed until the appeal is heard and decided.
- (d) *Pre-towing notice exception for certain abandoned and nuisance vehicles.*
- 1) If an authorized official finds that an abandoned motor vehicle on public streets impedes the flow of traffic or otherwise jeopardizes the public welfare so that immediate removal is necessary, that vehicle may be removed without any pre-towing notice. Such findings shall be entered by the authorized official in the appropriate daily records. Circumstances justifying the immediate removal of motor vehicles include vehicles:
 - a. Obstructing traffic;
 - b. Parked in violation of an ordinance prohibiting or restricting parking;
 - c. Parked in a no stopping or standing zone;
 - d. Parked in loading zones;
 - e. Parked in bus zones; or
 - f. Parked in violation of temporary parking restrictions imposed by the Town.
 - 2) Abandoned vehicles and nuisance vehicles on other public or Town property may be removed without pre-towing notice only in those circumstances where the authorized official finds, and enters such findings in appropriate records, a special need for prompt action to maintain the public health, safety, and welfare. By way of illustration and not of limitation such circumstances include vehicles blocking or obstructing ingress or egress to businesses and residences, vehicles parked in such a location or manner as to pose a traffic hazard, and vehicles causing damage to public or private property.
- (e) *Indemnification.* When an abandoned, nuisance, or aesthetic nuisance motor vehicle is removed from private property at the request of the owner, lessee, or occupant of the premises, the person at whose request such vehicle is removed may be required to pay or otherwise indemnify the Town for any loss, costs, expense, or liability incurred by the Town by reason of the towing, storage, sale, or other disposal of such vehicle.

Sec. 11-30 Removal of Vehicle; Post-Towing Notice Requirements

- (a) *Content of post-towing notice.* Any abandoned motor vehicle or any vehicle which has been determined to be a nuisance or aesthetic nuisance vehicle, may be removed to a storage garage or area by the Town or a towing business contracting to perform such services for the Town. The authorizing official shall, immediately after removing any abandoned, nuisance, or aesthetic nuisance vehicle, notify the last known registered owner of the vehicle, such notice to include the following:
- 1) A description of the removed vehicle;
 - 2) The location where the vehicle is stored;
 - 3) The violation with which the owner is charged, if any;
 - 4) The procedure the owner must follow to redeem the vehicle; and
 - 5) The procedure the owner must follow to request a probable cause hearing on the removal of the vehicle as described in section 26-88.6(a).
- (b) *Notice.* This notice shall be mailed to the owner's last known address.
- (c) *Notice for registered vehicles.* If the vehicle is registered in the state, notice shall be given within 24 hours. If the vehicle is not registered in the state, notice shall be given to the owner within 72 hours of the removal of the vehicle.
- (d) *Notice for unregistered abandoned, nuisance, and aesthetic nuisance vehicles.* Whenever an abandoned motor vehicle, nuisance vehicle, or aesthetic nuisance vehicle is removed and such vehicle has no valid registration or license plate, the authorizing official shall make reasonable efforts, including the checking of the vehicle identification number, to determine the last known registered owner of the vehicle and to notify him of the information as set forth in subsections (a)(1) through (a)(5) above.
- (e) *Compliance with state statutes.* All post-towing notices shall comply with the provisions of G.S. 20-219.11, as written or subsequently amended, applicable to towing of a vehicle with a valid registration plate or registration.

Sec. 11-31 Right to Hearing; Right to Recover Vehicle; Unauthorized Removal Unlawful

- (a) *Probable cause hearing.* After towing of an abandoned, nuisance, or aesthetic nuisance vehicle, the owner or other person entitled to possession may request in writing a hearing to determine if probable cause existed for removing the vehicle. The request must be filed with the magistrate in the county where the vehicle was towed. The magistrate will set the hearing within 72 hours of receipt of the request, and the hearing will be conducted in accordance with the provisions of G.S. 20-219.11. Recovery of vehicle. At any time after towing of an abandoned, nuisance, or aesthetic nuisance motor vehicle, the owner may obtain possession of the motor vehicle by paying the fee for towing and storage or by posting bond in accordance with G.S. 20-219.12.
- (b) *Removal unlawful.* It shall be unlawful for any person to remove or attempt to remove from any storage facility designated by the Town any vehicle which has been impounded pursuant to the provisions of this article unless and until all towing and impoundment fees which are due, or bond in lieu of such fees, have been paid.

Sec. 11-32 Sale and Disposition of Vehicle

- (a) *Consent of owner.* With the consent of the registered owner, the Town or tow truck operator may dispose of any vehicle without holding it for any prescribed period of time.
- (b) *Sale of vehicle.* The towing business under contract with the Town shall hold an abandoned, nuisance or aesthetic nuisance motor vehicle for a period of at least thirty (30) days. During this time the owner may claim it by exhibiting proof of ownership to the towing business and by paying the incident costs of towing and storage. Thereafter, any abandoned, junked or aesthetic junked motor vehicle which is not claimed by the owner may be disposed of by the towing business having custody of the vehicle. Disposition of such a vehicle shall be carried out in accordance with G.S. 44A, Article 1, Possessory Liens on Personal Property.

Sec. 11-33 Disposition of Proceeds of Sale

The proceeds of the sale of an abandoned, nuisance, or aesthetic nuisance motor vehicle shall be as set forth in G.S. 44A-5 as written or hereafter amended:

- (a) Payment of reasonable expenses incurred in connection with the sale, including but not limited to reasonable storage expenses after giving notice of sale;
- (b) Payment of towing costs and costs incurred in connection with learning the identity of the vehicle's owner or the owner of the real estate on which a nuisance vehicle is located; and
- (c) Any surplus shall be paid to the person entitled thereto, but when such person cannot be found, this surplus shall be paid to the Clerk of Superior Court of Orange County to be held by the clerk for the person entitled thereto.

Sec. 11-34 Immunity

Neither the Town nor any person shall be held to answer in any civil or criminal action to any owner or other person legally entitled to the possession of any abandoned, nuisance, or aesthetic nuisance vehicle for disposing of such vehicle as contemplated by this article.

Sec. 11-35 Exceptions

Nothing in this article shall apply to any motor vehicle, that is:

- (a) In a fully enclosed building;
- (b) On the premises of a business enterprise being operated in a lawful place and manner if the vehicle is necessary for the operation of such business enterprise;
- (c) Located in a lawfully established bona fide "auto graveyard" or "junkyard" as defined in G.S. 136-143 in accordance with "Junkyard Control Act" G.S. 136-141 et seq.; or
- (d) In an appropriate storage place or depository maintained in a lawful place and manner by the Town; or
- (e) An antique motor vehicle as defined by G.S. 105-330.9, in process of restoration; or
- (f) A vehicle that is being repaired or restored, is listed for ad valorem taxes in Orange County, and is under a cover manufactured for automobiles or trucks. No more than one such vehicle under an automobile/truck cover shall be permitted per lot and not to exceed 180 days.

Sec. 11-36 Penalty

- (a) *Civil penalty.* Any violation of sections 26-88.1 to 26-88.10 of this article shall subject the registered owner of the motor vehicle or the landowner to a civil penalty in the amount of \$100. No penalty shall be imposed if the owner removes the motor vehicle from the property within seven days of the date the pre-towing notice has been given by the Town pursuant to section 26-88.4. If the owner does not remove the motor vehicle from the property within seven days of the pre-towing notice, the penalty may be imposed for each day the vehicle was permitted to remain on the property commencing with the date the pre-towing notice was given and terminating on the date of removal of the motor vehicle, each day's violation constituting a separate offense.
- (b) *Recovery of penalty.* The penalty may be recovered by the Town in a civil action in the nature of debt if the owner does not pay the penalty within the prescribed period of time after he has been issued a citation.
- (c) *Citation.* The owner shall be issued a written citation by delivery in person or mailed by certified or registered mail. The civil penalty must be paid by the owner within 72 hours of receipt of written citation.
- (d) *No crime.* Violation of this article shall not constitute a crime.
- (e) *Article cumulative.* Procedures set forth in this article shall be in addition to any other remedies that may exist under law including ordinances for the abatement of public nuisance.

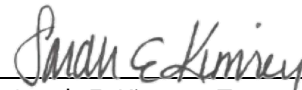
Sections 11-37 – 11-55 Reserved

Section 2. All provisions of any town ordinance in conflict with this ordinance are repealed.

Section 3. This ordinance shall become effective upon adoption.

The foregoing ordinance having been submitted to a vote, received the following vote and was duly adopted this 8th day of September in the year 2025.

Ayes: 5
Noes: 0
Absent or excused: 0



Sarah E. Kimrey, Town Clerk

DRAFT



ORDINANCE

Amending Section 10-2: Keeping Farm Animals in City Limits

The Hillsborough Board of Commissioners ordains:

Section 1. The Code of Ordinances shall be amended as follows:

Sec. 10-2. Keeping farm animals inside city limits.

- (a) *Small farm animals.* Small farm animals may be kept as an accessory use in a residential zoning district under the following circumstances:
- (1) Small farm animals mean those that normally weigh less than 100 pounds at maturity. Small animals include, but are not limited to: mini-goats and mini-sheep breeds, rabbits, mini-pig breeds, etc.
 - (2) All animals must be kept in fenced enclosures at least five (5) feet from the side and rear property lines. No animals shall be permitted to roam loose.
 - (3) The minimum lot size for keeping small farm animals is 20,000 square feet.
 - (4) Number of animals permitted: The maximum number of animals allowed is five (5) per lot.
 - (5) Animals must be kept secured on site under sanitary conditions with adequate food, water, and shelter, subject to inspection by the code enforcement officer and/or county animal control officer.
 - (6) Location of pens, barns, hutches, etc., for the animals shall be only in rear or side yards and shall be located at least five (5) feet from the property lines.
- (b) *Keeping of Domestic Chickens and Fowl.* Domestic chickens, quail, or guinea birds may be kept as an accessory use in a residential zoning district under the following circumstances:
- (1) Domestic Chickens and fowl is defined as a domestic bird of whose eggs or flesh are used for food.
 - (2) The minimum lot size for keeping fowl is 15,000 sq. ft.
 - (3) Number and type of fowl permitted: The maximum number of female fowl (hens) allowed is eight (8) per lot. Roosters (male chickens) are prohibited.
 - (4) All fowl must be kept in fenced enclosures at least five (5) feet from the side and rear property lines. No fowl shall be permitted to roam loose.
 - (5) Chickens enclosed: A chicken coop and pen shall be provided, and such coops and enclosures may not include residential structures, carports, or garages/sheds, unless the garage/shed is fully converted to a coop. Fowl shall be secured in the coop during non-daylight hours. During daylight hours, fowl may be in the pen.
 - (6) Location of coops and pens: Chicken coops and fowl pens (whether stationary or moveable) shall only be in rear yards or side yards (behind the line formed by the back wall of the front porch), shall comply with a minimum setback of five (5) feet from side and rear property lines, and shall be located closer to the owner's primary structure than any neighbor's primary structure.
 - (7) Coop and pen construction and design: The coop, and pen shall be properly designed and constructed to provide adequate security from rodents, wild birds, and predators; sufficient ventilation; and suitable shelter for the fowl.

- (c) *Maintenance of coops, pens and surrounding areas.* For both small farm animals, chickens, and fowl the following standards must be maintained:
- (1) The coop, pen, hutch, shelters and surrounding area shall be cleaned of all droppings, uneaten feed, feathers, fur, and other waste, and shall always be kept in a neat and sanitary condition to preclude odors and aesthetic nuisances.
 - (2) Feed shall be stored in a secure container.
 - (3) All necessary action to reduce the attraction of predators and rodents and the potential infestation of insects and parasites shall be performed.
 - (4) All manure, uneaten feed, and other trash shall be removed in a timely manner and properly disposed of in a sanitary manner.
- (d) *On-site slaughter, breeding, sale of animals or animal products shall be prohibited.* If a chicken or animal dies or is killed by a predator, it shall be promptly and properly disposed of.
- (e) *Large farm animals.* Large farm animals may not be housed within town limits unless the property qualifies as a Bona Fide farm pursuant to NCGS 160D-903 in which case the property will be subject to the restrictions of the Hillsborough Unified Development Ordinance. Large farm animals include but are not limited to: full sized breeds of goats, sheep, cows, donkeys, horses, pigs, etc. Any property found to harbor large farm animals in violation of this ordinance will have fifteen (15) days to remove the animal(s) or it will constitute a public nuisance that will be abated according to section 11-58.
- Goats used temporarily to clear undergrowth and eat grass may be housed on a property for a maximum of seven (7) days. Goats shall be cared for subject to the terms of paragraph (a) standards (5) and (6) or it will constitute a public nuisance that will be abated according to section 11-58.
- (f) *Violations.* Any animals or property found in violation of this ordinance shall be removed or conditions corrected within fifteen (15) days of the receipt of a notice of violation. If violations are not corrected it will constitute a public nuisance that will be abated according to section 11-58.

Section 2. All provisions of any town ordinance in conflict with this ordinance are repealed.

Section 3. This ordinance shall become effective upon adoption.

The foregoing ordinance, having been submitted to a vote, received the following vote and was duly adopted this 8th day of September in the year 2025.

Ayes: 5

Noes: 0

Absent or excused: 0





Sarah E. Kimrey, Town Clerk



ORDINANCE

Amending Section II-2: Accumulation of Solid Waste

The Hillsborough Board of Commissioners ordains:

Section 1. The Code of Ordinances shall be amended as follows:

Sec. 11-2. Accumulation of solid waste.

- (a) Subject to the qualifications contained in subsection (b) of this section, no person may cause, suffer, or permit solid wastes, scrap materials, construction debris, pallets, yard waste, stumps, dirt or stones, and similar to accumulate or remain on premises under their control or ownership, except in accordance with the provision of article III of this chapter.
- (b) The accumulation of solid waste or similar materials as outlined in section (a) with a volume greater than 50 cubic feet for a period of more than 21 days shall constitute a public nuisance and will be abated according to section 11-58.
- (c) The outdoor storage, dumping, or accumulation of indoor furniture and household items outside for a period of more than 21 days shall constitute a public nuisance and will be abated according to section 11-58. These items include but are not limited to, couches, chairs, dining room tables and chairs, and any indoor appliances including but not limited to refrigerators, washing machines, dryers, and fixtures such as toilets, sinks, and other indoor fixtures and/or building materials.

Section 2. All provisions of any town ordinance in conflict with this ordinance are repealed.

Section 3. This ordinance shall become effective upon adoption.

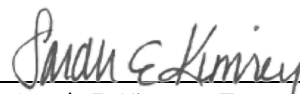
The foregoing ordinance having been submitted to a vote, received the following vote and was duly adopted this 8th day of September in the year 2025.

Ayes: 5

Noes: 0

Absent or excused: 0





Sarah E. Kimrey, Town Clerk



ORDINANCE

Adding Section II-9: Health and Sanitation

The Hillsborough Board of Commissioners ordains:

Section 1. The Code of Ordinances shall be amended as follows:

Section 11-9 Health and Sanitation

(a) Open wells.

- (1) No person, after discontinuing the use of any well, shall leave said well open and exposed.
- (2) The use of a well shall be deemed to be discontinued when it is not being used by a permitted and occupied dwelling on the land upon which the well is located for a period of more than 30 days.
- (3) A well shall be deemed open and exposed when its use is discontinued unless:
 - a. The mouth or top of such well shall be securely and carefully covered so as not to permit the entry of any animals or objects.
 - b. A fence or wall not less than three feet in height shall completely surround said well.
- (4) An open and exposed well within the town, the use of which has been discontinued, is hereby declared to be a public nuisance.
- (5) No person shall discontinue the use of any well within the town for a period of more than 30 days without:
 - a. Carefully and securely filling the same.
 - b. Covering the mound or top of such well and erecting a fence or wall surrounding the well as set forth in paragraph (3), above.

(b) Stagnant water.

No owner, lessee, tenant or occupant of any building or premises shall keep or permit thereon any standing water open to becoming a breeding pool for mosquitos. Also there shall not allow to be or remain, open vessels such as buckets accumulated on a property that gather stagnant water.

(c) Premises kept free from discarded appliances, vegetation, etc.

- (1) Every person owning or occupying any premises shall keep such premises free from all trash and all other forms of offensive animal, vegetable matter, or refuse which may be dangerous or prejudicial to the public health, constitute a fire hazard, or which may constitute a public nuisance or an attractive nuisance to children.
- (2) Every person owning or occupying property shall dispose of all cut or fallen trees, stumps, limbs, leaves and all other vegetable matter or refuse, and the same shall not be permitted to remain upon any property within the town.
- (3) No person shall leave or permit to remain outside of any dwelling, building or other structure, or within any unoccupied or abandoned building, dwelling or other structure under their control, in a place accessible to children, any abandoned, unattended or discarded cooler, refrigerator, stove or other container which has an airtight door or lid, snap-lock or other locking device which may not be released from the inside, without first removing said door or lid, snap-lock or other locking device from the cooler, refrigerator, stove or container.

(e) Public Drains.

No person shall obstruct in any manner any street drainage ditch, gutter, drain or culvert so as to prevent the free flow of water therein; provided, that this shall not prevent the erection of footbridges or fences over the ditches, gutters and drains along streets which have not been curbed and the gutters and drains along paving, of the width of three feet for pedestrian crossings to sidewalks leading to doorways, and bridges of the width of ten feet for vehicle crossings into lots where such crossings are required. Such bridges shall received necessary permits and be so constructed as not to prevent the flow of water to or in gutters, ditches and drains.

(f) Weeds and undergrowth.

No owner, lessee, occupant, agent, or representative or employee of any lessee or occupant, having control of any lot or ground situated in the town, shall allow or maintain on any such lot any growth of weeds and undergrowth to a height of over eight (8) inches. If any person shall fail, refuse or neglect to cut, destroy or remove such weeds, grass, or growth within ten (10) days after the receipt of notice to do so given by the code enforcement officer, then the town, through its agents and employees, may enter upon such lot or premises for a depth of 50 feet from each abutting property line and cut and destroy such weeds and undergrowth for a depth of 50 feet from each abutting property line, and the cost and expense thereof shall be paid by the owner, lessee, occupant or agent, or it shall become a lien against such property in the same manner as for taxes. If the owner of the lot or ground, or his address, is unknown, the notice herein provided shall not be required. The property owner shall destroy all ragweed and other pollen-producing weeds growing on any lot or along or in the streets of the town before August 30 of each year.

Secs. 11-10 —11-15. Reserved.

Section 2. All provisions of any town ordinance in conflict with this ordinance are repealed.

Section 3. This ordinance shall become effective upon adoption.

The foregoing ordinance having been submitted to a vote, received the following vote and was duly adopted this 8th day of September in the year 2025.

Ayes: 5

Noes: 0

Absent or excused: 0



Sarah E. Kimrey, Town Clerk