

ORDINANCE B
(Changes to Town Code of Ordinances)

AN ORDINANCE AMENDING THE TOWN CODE OF ORDINANCES PERTAINING TO CHANGING 160A STATE STATUE REFERENCES TO 160D (2021-XX-XXO-#)

WHEREAS, the General Assembly enacted Session Law 2019-111 in 2019 with Technical Corrections enacted in 2020 with Session Law 2020-25. The enactment of these Session Laws requires the Town to change North Carolina Statute references from 160A to 160D.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Town of Chapel Hill that the Town Code of Ordinances, Chapter 5 Buildings & Building Regulations; Chapter 7 Fire Prevention & Protection; and Chapter 9 Housing Code be amended as follows:

Section 1 – Chapter 5 - Article I - In General. Section 5-1 Fire limits designated by reference is hereby amended to read as follows:

“Pursuant to the laws of this state, in particular N.C.G.S. § ~~160A-435~~ **160D-1128 (b)**, the fire limits of the town shall be established as a primary and a secondary fire district with the location and boundaries thereof shown on the map attached as Exhibit 1 to the ordinance from which this section derives. Copies of said map shall be maintained by the town's building inspections division and the town's fire marshal. Boundaries of said fire limits shall also be maintained as a feature in the town's geographic information system (GIS) and available for reference.”

Section 2 – Chapter 5 - Article 1 - In General. Section 5-2 Construction within fire limits is hereby amended to read as follows:

“The area lying within the primary and secondary fire limits of the town shall be subject to all of the provisions of the General Statutes of North Carolina, including specifically, but not limited to, N.C.G.S. §§ ~~160A-436 and 160A-437~~ **160D-1128 (b)**, which are is incorporated herein by reference and made a part hereof. Construction within the fire limits will comply with the provisions set forth by the North Carolina State Building Code, Appendix D which has been adopted by the town under section 5-15 of this Code.”

Section 3 – Chapter 5 - Article IV – Flood Damage Prevention Ordinance. Section 5-50 Statutory authority is hereby amended to read as follows:

“The Legislature of the State of North Carolina has in Part 6, Article 21 of Chapter 143; ~~Parts 3, 5, and 8 of Article 19~~ Chapter ~~160A~~ **160D**; and Article 8 of Chapter 160A of the North Carolina General Statutes, delegated to local governmental units the responsibility to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry including the regulations set out in this article.”

Section 4 – Chapter 5 - Article IV – Flood Damage Prevention Ordinance. Footnote(s) --- (3) --- State Law Reference- is hereby amended to read as follows:

“State Law reference— Local government authority to regulate uses in flood hazard areas and grant permits, G.S. 143-215.54(a); minimum standards for ordinances, G.S. § 143-215.54A; local government to delineate flood hazard area, G.S. § 143-215.56(c); city may enact floodway regulation ordinances authorized under Chapter 143 of state statutes, G.S. ~~§160A-458.1~~ **160D-923**; procedure in issuing permits, G.S. § 143-215.57.”

Section 5 – Chapter 5 - Article V – Soil Erosion and Sediment Control. Division 2, Soil Erosion and Sedimentation Control, Footnote(s) --- (4) --- State Law Reference- is hereby amended to read as follows:

“State Law reference— Local erosion and sedimentation control programs, G.S. § 113A-60; city may enact and enforce erosion and sedimentation control ordinances, G.S. ~~§160A-458~~ **160D-922**; submission and approval of proposed local erosion and sediment control ordinances, 15A N.C. Admin. Code 04D.0101 et seq.”

Section 6 - Chapter 5 - Article V – Soil Erosion and Sediment Control. Division 2, Soil Erosion and Sedimentation Control Section. Section 5-97 (f) is hereby amended to read as follows:

“Pursuant to ~~G.S. Section 160A-417~~ **NCGS 160D-1110**, no building permit shall be issued unless an erosion control plan has been approved, where such approval is required, for the site of the activity or a tract including the site of the activity.”

Section 7 – Chapter 7 - Article II - Fire Prevention Code. Section 7-44 (b) is hereby amended to read as follows:

“Civil enforcement. This division may be enforced by civil penalty or appropriate equitable remedy as may be authorized by applicable N.C. General Statutes, including but not limited to G.S. Sec. 160A-175, G.S. Sec. ~~160A-432~~ **160D-1125** and G.S. Sec. 143-139.”

Section 8 – Chapter 7 - Article II - Fire Prevention Code. Section 7-52 (b) Civil enforcement is hereby amended to read as follows:

“Civil enforcement. This division may be enforced by civil penalty or appropriate equitable remedy as may be authorized by applicable N.C. General Statutes, including but not limited to G.S. Sec. 160A-175, G.S. Sec. ~~160A-432~~ **160D-1125** and G.S. Sec. 143-139.”

Section 9. – Chapter 7 – Article II Fire Prevention Code. Section 7-58 (b) Civil enforcement is hereby revised to read as follows:

“Civil enforcement. This ordinance may be enforced by civil penalty or appropriate equitable remedy as may be authorized by applicable N.C. General Statutes, including but not limited to G.S. Sec. 160A-175, G.S. Sec. ~~160A-432~~ **160D-1125** and G.S. Sec. 143-139.”

Section 10 – Chapter 7 – Article II Fire Prevention Code. Section 7-66 (b) Civil enforcement is hereby amended to read as follows:

“Civil enforcement. This division may be enforced by civil penalty or appropriate equitable remedy as may be authorized by applicable N.C. General Statutes, including but not limited to G.S. Sec. 160A-175, G.S. Sec. ~~160A-432~~ **160D-1125** and G.S. Sec. 143-139.”

Section 11 - Chapter 9 - Housing Code Footnote(s) ---1--- State Law reference is hereby amended to read as follows:

“State Law reference— Exercise of municipal power authorized to provide for repair, closing or demolition of unsafe buildings, G.S. § ~~160A-441~~ **160D-1201**; ordinance authorized concerning repair, closing and demolition upon order of public officer, G.S. § ~~160A-443~~ **160D-1203**.”

Section 12 - Chapter 9 - Article I - In General. Section 9-1 Finding; purpose is hereby amended to read as follows:

“Pursuant to N.C.G.S. ~~160A-441~~ **160D-1201**, et. seq. it is hereby found and declared that there exists in the town dwellings which are unfit for human habitation due to dilapidation, defects increasing the hazards of fire, accidents, and other calamities, lack of ventilation, light and sanitary facilities, and due to other conditions rendering such dwellings unsafe or unsanitary, and dangerous and detrimental to the health, safety and morals, and otherwise inimical to the welfare of the residents of the town.

In order to protect the health, safety and welfare of the residents of the town as authorized by Article ~~19, Part 6~~ **12**, Chapter ~~160A~~ **160D**, of the General Statutes, it is the purpose of this chapter to establish minimum standards of fitness for the initial and continued occupancy of all buildings used for human habitation, as expressly authorized by N.C.G.S. ~~160A-443~~ **160D-1203**.”

Section 13 – Chapter 9 - Article II – Administration and Enforcement. Section 9-24 (e) is hereby amended to read as follows:

“Notwithstanding any other provision of law, if the condition of the dwelling would require removal or demolition under subsection (2) and the dwelling is located in a historic district of the town and the historic district commission determines, after a public hearing as provided by the 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 N.C.G.S. ~~160A-400.14(a)~~ **160D-949**.”

Section 14 – Chapter 9 - Article II – Administration and Enforcement. Section 9-30 Review of proceedings of board of adjustment is hereby amended to read as follows:

“Every decision of the board of adjustment shall be subject to review by proceedings in the nature of certiorari as provided by N.C.G.S. ~~160A-446(e)~~ **160D-305 and N.C.G.S 160D-1208**, and may be stayed as provided by N.C.G.S. ~~160A-446(f)~~ **160D-305 and N.C.G.S. 160D-1208.**”

Section 15 - Chapter 9 - Article II – Administration and Enforcement. Section 9-32 Methods of service of complaints or orders is hereby amended to read as follows:

“Service of complaints and orders shall be made in the manner required by N.C.G.S. ~~160a-445~~ **160D-1206** and shall be deemed sufficient when one of the methods allowed by that statute has been followed.”

Section 16 – Chapter 9 - Article IV – Minimum Standards for Basic Equipment and Facilities. Section 9-67 Heating system, State Law Reference, is hereby amended to read as follows:

“**State Law reference**— Heat source required for rental dwelling units, G.S. § ~~160A-443.1~~ **160D-1204.**”

Section 17. This ordinance is effective on June 28, 2021.

This the ____ day of _____, 2021.