

ORDINANCE NUMBER: _____

AMENDING CHAPTERS 4, 6, 10,
14 and 15.

**AN ORDINANCE AMENDING CERTAIN ARTICLES AND CHAPTERS OF THE
CHARLOTTE CITY CODE TO REMOVE CRIMINAL ENFORCEMENT WHERE
PROHIBITED AND TO RESTORE CRIMINAL ENFORCEMENT WHERE
SPECIFIED AS REQUIRED BY SESSION LAW 2021-138.**

BE IT ORDAINED by the City Council of the City of Charlotte, North Carolina, that:

Section 1. **Articles II and IV of Chapter 4 of the Charlotte City Code are amended as follows:**

“Sec. 4-32. - Commercial activity use permit.

No person shall carry on or conduct any commercial activity at, upon or from the airport without first securing a use permit issued by the aviation director unless such activity is undertaken pursuant to a duly authorized and executed lease, contract or other written agreement between such person and the city. The aviation director may require permittees to pay fees to the city as a condition of engaging in commercial activity at, upon or from the airport.

A violation of this section may be punishable as a Class 3 misdemeanor and be subject to a maximum fine not to exceed \$500 pursuant to G.S. 160A-175 and G.S. 14-4.”

“Sec. 4-110. - Penalties for violations.

A violation of this article shall constitute may be punishable as a Class 3 misdemeanor and be subjecting any person found guilty thereof to punishment in accordance with section 2-21. to a maximum fine not to exceed \$500 pursuant to G.S. 160A-175 and G.S. 14-4.”

Section 2. **Article III of Chapter 6 of the Charlotte City Code is amended as follows:**

“Sec. 6-270. - Penalties and remedies.

~~Any person who knowingly violates any of the following sections of~~ Violations of this article shall may be guilty of punishable as a Class 3 misdemeanor and, upon conviction, shall be punished in accordance with section 2-21, sections 6-253(a), 6-258(d), 6-259(e), 6-262(e), 6-263(3) — (6), 6-264(1) — (4), 6-265(1) and (2), and 6-268 subject to a maximum fine not to exceed \$500 pursuant to G.S. 160A-175 and G.S. 14-4. Each violation shall be considered a separate and distinct offense, and each day of continued violation shall be considered as a separate offense. The issuance of a notice of violation or a suspension or revocation of a dancehall permit shall not prohibit the imposition of a criminal penalty, and the imposition of a criminal penalty shall not prevent the issuance of a notice of violation or a suspension or revocation of the permit.”

Section 3. **Article III of Chapter 10 of the Charlotte City Code is amended as follows:**

“Sec. 10-100. - Authority.

- (a) Code enforcement shall be responsible for the administration and enforcement of the provisions of this article, except as otherwise stated. Nothing in this article shall be construed to limit the legal authority of the officers of the city's police department to enforce ordinances or carry out their other duties.
- (b) Each and every violation of this article shall constitute a separate and distinct offense.
- (c) A code enforcement inspector shall have the following authority:
 - (1) To enter upon a premises.
 - (2) To obtain an administrative search and inspection warrant, if necessary, as provided in G.S. 15-27.2 in order to conduct any necessary inspection of premises and to obtain evidence to determine whether there are any violations of the provisions of this article.
 - (3) To issue a notice of violation pursuant to section 10-101 and/or impose civil penalties pursuant to section 10-102.
 - (4) To enter upon or authorize an independent contractor to enter upon and clean up premises in violation of this article.
 - (5) To enter upon a premises to summarily remove, abate, or remedy everything in the city limits that is considered by ordinance to be either dangerous or prejudicial to the public health or which has been declared to be a nuisance.
 - (6) To determine whether any violation of this article has been fully remedied.
 - (7) To charge the responsible person with a ~~misdemeanor and subject the violator to any penalty prescribed by section 2-21~~ violation of this article which may be punishable as a Class 3 misdemeanor and be subject to a maximum fine not to exceed \$500 pursuant to G.S. 160A-175 and G.S. 14-4.
 - (8) To apply to the appropriate court for an injunction and order of abatement which would require the responsible person correct any unlawful condition relating to this article existing on the premises.”

Section 4. Article VIII of Chapter 14 of the Charlotte City Code is amended as follows:

“Sec. 14-325. - Playing or loitering about railroad property.

It shall be unlawful for any person to play or loiter about the railroad tracks, shops or depots within the city limits. A violation of this section may be punishable as a Class 3 misdemeanor and be subject to a maximum fine not to exceed \$500 pursuant to G.S. 160A-175 and G.S. 14-4.”

Section 5. Articles I, VII, and X of Chapter 15 of the Charlotte City Code are amended as follows:

“Sec. 15-26. - Camping and other activity prohibited on public property.

(a) Definitions. The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Camp or *camping* means the use of city property for living accommodation purposes such as sleeping, or making preparations to sleep (including the laying down of bedding for the

purpose of sleeping), or storing personal belongings, or placing any tents or a temporary shelter on city property for living accommodation purposes.

Temporary shelter means tents, tarps, or any type of structure or cover that provides partial shelter from the elements.

(b) It shall be unlawful for anyone to camp on any public property owned by the city including public rights-of-way and sidewalks.

(c) Camping as defined in this section is deemed a public nuisance and the city may summarily remove a temporary shelter, bedding or personal belongings.

(d) It shall be unlawful to light or use a campfire or bonfire on public property except as may be specifically authorized by a permit.

A violation of this section may be punishable as a Class 3 misdemeanor and be subject to a maximum fine not to exceed \$500 pursuant to G.S. 160A-175 and G.S. 14-4."

"Sec. 15-157. - Penalties.

(a) A juvenile who violates any section of this article is subject to being adjudicated delinquent. The court may, in its discretion, impose any dispositional alternatives that are provided in the state juvenile code for any juvenile who is delinquent.

(b) ~~Any person other than a juvenile who violates any section of this article shall be guilty of a misdemeanor and shall be subject to a fine not to exceed \$100.00 and imprisonment in the discretion of the court in accordance with G.S. 14-4.~~ A violation under this article by any person other than a juvenile may be punishable as a Class 3 misdemeanor and be subject to a maximum fine not to exceed \$500 pursuant to G.S. 160A-175 and G.S. 14-4."

"Sec. 15-251. - Violations; penalty.

(a) It shall be unlawful for any person to violate any provision of this article or to violate any term or condition of a carnival permit issued pursuant to this article.

(b) It shall be unlawful for any person to operate or cause to be operated a carnival without a valid carnival permit.

(c) It shall be unlawful for any person to operate or cause to be operated a carnival and said person knows or should know that the permit for that carnival has been revoked.

(d) ~~Any person who violates any provision of this article shall be guilty of~~ Any person who violates any provision of this article shall be punishable as a Class 3 misdemeanor and be subject to a fine not to exceed \$500 as provided in G.S. 160A-175 and G.S. 14-4."

Section 6. Severability Clause

If any provision of this ordinance or its application to any person or circumstances is held invalid or unconstitutional by any court of competent jurisdiction, this invalidity does not affect any other provision or application of this ordinance, which can be given effect without the invalid provision or application. To achieve this purpose, the provisions of this ordinance are declared to be severable.

Section 7. All laws and provisions of laws in conflict herewith are hereby repealed to the extent of said conflict.

Section 8. This ordinance shall become effective immediately upon adoption.

Approved as to form

City Attorney