

ORDINANCE NUMBER: _____

AMENDING CHAPTER 19

AN ORDINANCE AMENDING CHAPTER 15 OF THE CHARLOTTE CITY CODE ENTITLED “OFFENSES” AND CHAPTER 19 OF THE CHARLOTTE CITY CODE ENTITLED “STREETS, SIDEWALKS AND OTHER PUBLIC PLACES”

WHEREAS, the City of Charlotte has a significant governmental interest in protecting the health, safety and welfare of the general public and preserving the public order; and

WHEREAS, G.S.160A-174 allows a city by ordinance to define, prohibit, regulate, or abate acts, omissions, or conditions, detrimental to the health, safety, or welfare of the public; and

WHEREAS, the City has a significant governmental interest in maintaining the safety of persons who participate in or attend large events.

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

Section 1. Article XIV of Chapter 15 of the City Code is repealed.

Section 2. Subsection (g) of Section 19-303 is amended as follows:

“(g) Picketers and picketing shall be subject to all applicable local, state and federal laws including, but not limited to:

- (1) The city’s noise ordinance;
- (2) The city’s handbill ordinance;
- (3) Section 14-225.1 (obstructing justice);
- (4) Section 14-277.2 (weapons);
- (5) Section 14-277.4 (health care facilities); and
- (6) Section 14-288.4 (disorderly conduct).

In addition, it shall be unlawful for any person participating in, affiliated with, or present as a spectator at a picket for which notification was required pursuant to City Code Sec. 19-302, regardless of whether notification was given, other than governmental employees in the performance of their duties, to willfully or intentionally possess any of the items prohibited by City Code Sec. 19-313(e), subject to a defense to prosecution set forth in City Code Sec. 19-313(f).”

Section 2. Sec. 19-313 is amended by adding new subsections (e), (f), and (g) to read as follows:

(e) It shall be unlawful for any person participating in, affiliated with, or present as a spectator at any festival or parade, regardless of whether a permit was issued for the festival or parade, other than governmental employees in the performance of their duties, to willfully or intentionally possess, carry, control or have immediate access to any of the following:

- (1) A bar, chain, shaft, staff, cable, wire, lumber, or pipe capable of inflicting serious injury to a person if thrown at or struck upon another, except as permitted by City Code Sec. 19-303(d);
 - (2) A backpack, duffle bag, satchel, cooler or other item carried with the intent to conceal weapons or other prohibited items;
 - (3) A glass or breakable container capable of being filled with a flammable or dangerous substance carried with the intent to inflict serious injury to a person or damage to property;
 - (4) A sharp or bladed objects such as a box cutter, utility knife, ice pick, axe, or any other object defined in City Code Sec. 15-14;
 - (5) A hammer or crow bar;
 - (6) Rocks, bottles, objects, bricks or pieces thereof that are of sufficient weight or design as to cause serious injury to a person if thrown at or struck upon another;
 - (7) A device used to shoot, hurl or project a missile of any description capable of inflicting serious injury to a person;
 - (8) A “sock” or “pocket” containing material of sufficient weight as to cause serious injury to a person if thrown at or struck upon another.”
 - (9) Fireworks, smoke bombs, sparklers, and stink-bombs.
- (f) The following factors shall be a defense to prosecution for a violation of subsection (e):
- (1) The defendant was engaged in, or on the way to or from, an activity in which he or she legitimately used the device or object:
 - (2) The defendant possessed that object for that legitimate use; and
 - (3) The defendant did not use or attempt to use the object as a weapon or to injure another person or damage property.
- (g) For festivals and parades where access to the event is controlled, participants and attendees may be screened to ensure that items prohibited by subsection (e) are not brought into the event.

Section 3. This ordinance is effective upon adoption.

Approved as to form

City Attorney